

**MINUTES**  
**4<sup>th</sup> MEETING OF THE CONSTITUTIONAL COMMISSION**  
**20 APRIL 2010**  
**CONFERENCE ROOM**  
**COMMISSIONS SECRETARIAT**

**PRESENT:** Pastor Al Ebanks                      Chairman  
              Wil Pineau                                Member

**APOLOGIES:** Julene Banks                      Member

**Secretariat members present:**

              Laura Jackson                              Analyst, Commissions Secretariat  
              Jason Webster                                Analyst, Commissions Secretariat

**1. Meeting called to order**

The meeting was called to order at 9:25 am. The Chairman welcomed everyone in attendance to the meeting and offered a prayer.

**2. Confirmation of previous minutes**

Due to the absence of one member of the Commission, the confirmation of the previous meeting's minutes was delayed until the next scheduled meeting.

**3. Matters Arising from the Minutes**

a. Policies and Procedures Manual

- i. The discussion regarding the proposed Policies and Procedures the manual was put off until all members of the commission are present .

b. Material for Website

- i. The Commission stated their intent to ensure for ease of reference that the website of the former Constitutional Review Secretariat and all documents/links would be included on their website, so there is a comprehensive historical record on the development of Cayman's new Constitution.

c. Minutes from the first meeting

- i. The minutes from the first meeting of the Commission will be available for confirmation at the next scheduled meeting.

d. Education initiatives

- i. The Commission decided that the first step in the educational process is to hold meetings with the key stakeholders.
- ii. The key stakeholders that were identified are as follows –
  - a. The Governor;
  - b. The Deputy Governor;
  - c. The political parties comprising the Legislative Assembly;
  - d. The former Constitutional Review Secretariat;
  - e. The legal fraternity (Cayman Bar Association and the Cayman Islands Law Society);
  - f. The NGO Constitutional Working Group;
  - g. Cayman Ministers Association
  - h. CIGSA;
  - i. Human Rights Commission;
  - j. Electoral Boundary Commission; and the
  - k. Commission for Standards in Public Life.
- iii. The Commission will use these meetings to discuss the work of the Constitutional Commission and identify any concerns that the various groups/individuals have about the contents of the 2009 Constitution or any suggested changes they would like to see moving forward.
- iv. The Commission decided that the first meetings should be held with the Governor and the Deputy. The Commission's Secretariat has been tasked with drafting an invitation letter and setting up the appropriate meetings.

#### 4. Any Other Business

##### a. Allocation of responsibilities to Ministers

- i. The Commission received a query from a member of the public asking for their comments in regards to Section 54(6) of the Constitution and how it is being implemented in the Cayman Islands.
- ii. The Commission has requested that the Secretariat prepare a report on this section for their consideration so that an official response can be made to the member of the public as soon as possible.
- iii. There was discussion on the issue of just who is a "public officer" as there appears to be varying opinions on this important issue. The Commission has tasked the Secretariat with obtaining a legal opinion on the constitutional definition of a "public officer" in order to avoid confusion moving forward.

##### b. United Nations Select Committee of 24 on Decolonization

- i. The Commission noted that the UN Select Committee of 24 on Decolonization will be holding a conference scheduled for May in New Caledonia.
- ii. The Commission was made aware that invitations to this conference were sent to a Government Official, but they are unsure which official received this information or if they have responded to it. The CC however has received no official notification from the CI Government on this important conference.
- iii. The Commission expressed concern and disappointment that they were not informed of this opportunity by local authorities, in the event they were able to attend. It was acknowledged that the CC was a unique inclusion in the CI Constitution and that many may still be unaware of its existence or functions. Therefore every effort should be made to ensure that in the future we are made aware of opportunities such as those provided by the meetings of the UN Select Committee of 24. It was decided that a letter should be sent to the Governor and the Premier expressing our interest in being informed of any such opportunities.

- iv. The Commission noted that while the deadline to attend the conference in May has expired there is another meeting being held in New York in June which they will consider attending.
- v. The Commission also decided to send a formal letter of introduction to the Chairman of UN Select Committee of 24 on Decolonization which would include a copy of the Constitution. This letter would also include a request that where appropriate any future communications concerning the constitutional status of the Cayman Islands should also be sent to the Commission's attention.

**5. Action List**

- i. The Secretariat will prepare a report for the Commission regarding the query made by the member of the public.
- ii. The Secretariat will draft letters inviting stakeholders to meetings with the Commission.
- iii. The Secretariat will request a legal opinion from the Legal Department on the constitutional definition of a "public officer"
- iv. The Secretariat will ascertain where the invitation to the UN Special Committee of 24 on Decolonization conference was sent and draft letters to the Governor and the Premier on this matter.
- v. The Secretariat will draft a letter to the Chair of UN Special Committee of 24 on Decolonization.
- vi. The Secretariat will inquire about the UN Select Committee of 24 meeting schedule to take place June 2010 and report back to the CC on their findings.

**6. Items to be Discussed at the Next Meeting**


- i. Anomalies in the Cayman Islands Constitution Order 2009
- ii. Policies and Procedures Manual
- iii. Confirmation of minutes from the 1<sup>st</sup> and 3<sup>rd</sup> meetings.

**7. Next Meeting**

The next meeting will be held on Tuesday, 27 April 2010 @ 9a.m. in the Commissions Secretariat Boardroom.

**8. Adjournment**

The meeting was adjourned at 10:30 a.m.



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Pastor Al Ebanks  
CHAIRMAN  
CONSTITUTIONAL COMMISSION