



**7<sup>th</sup> MEETING OF 2011  
24<sup>th</sup> MEETING OF  
THE CONSTITUTIONAL COMMISSION  
12 MAY, 2011  
CONFERENCE ROOM  
COMMISSIONS SECRETARIAT**

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

**Secretariat members present:**

Deborah Bodden                      Manager, Commissions Secretariat

**1. Call to order**

The meeting was called to order at 9:22am and a prayer was offered by a member of the Commission.

**2. Confirmation of previous minutes**

The minutes of the 5 April, 2011 meeting were approved.

**3. Outstanding Business**

**I. District Meetings**

The district meetings in North Side and Bodden Town have been held while the meeting in East End was cancelled due to low attendance. Overall it was thought that the meetings have been successful this far as those in attendance engaged in good discussions. The George Town meeting is scheduled to take place on 19 May, 2011 at the South Sound Community Centre. It was agreed that the Secretariat will contact both Talk Shows on the morning of the 19<sup>th</sup> May to remind the public of this meeting. Pastor Al will confirm with the district representatives dates for the West Bay and Cayman Brac meetings.

The Commission notes that they are experiencing a learning curve in terms of venues, publications, etc. It was agreed that for future meetings, the Commission needs to look at other venues and other 'tools' to assist with educating the public on the Constitution. A meeting with GIS will be set up to discuss the creation of a PR scheme for the Commission. The Secretariat has also been asked to contact the National Gallery to enquire about possible assistance to produce a book on the Constitution similar to the "This is Paradise, Dis is Cayman" publication that they recently produced. Member Julene Banks continues to work on the editing of the booklets created by the Secretariat.

**II. Budget**

The Manager explained that the 10/11 Budget has been suspended by the Premier and the Secretariat is waiting for a new allocation for the remainder of the year. Additionally, the 11/12

Budget has not yet been approved. The Commission requested a breakdown of last year's budget by what was spent on personnel costs and what was spent on each Commission. It was agreed that the Secretariat will research other funding opportunities (i.e. good governance grants) that the Commission may utilise in its work. It was further agreed that Member Wil Pineau will reach out to some of the private companies/individuals who may be interested in donating funds to these projects.

### III. Discussion Papers

#### a. Governance Structure

It was agreed that the Commission should write to the Governor, Deputy Governor and Attorney General expressing their appreciation for the meeting and indicating that the Commission understands their concerns. The letter should:

1. restate the Commission's original intention of the exercise which was to create a working document that depicts how Government functions;
2. provide a copy of the table which will be used as an appendix as an example of the information the Commission was hoping to receive;
3. ask the Governor to assist the Commission through the Cabinet Secretary to obtain the remainder of the information.
4. ask whether he or the Deputy Governor are in a position to take on the advice previously given by the Commission; and
5. request any minutes of the meeting as a record of the discussion.

The responses that have come in thus far regarding the Boards and Committees were shared with the Commission members. The Secretariat will now begin piecing this information together into a discussion paper for the Commission's approval. The paper will include an Executive Summary which supplies information based on the Commission's examination of Government such as the number of appointments to these Boards/Committees which are made by Cabinet, the # of structures which are not assessed, have no Terms of Reference and which do not submit annual reports. In addition, as an appendix, the document will contain a table mapping out information on each Board/Committee.

The Commission expressed its appreciation for the submission of the requested information to the Ministry of Community Affairs, Gender and Housing, Ministry of Finance (Financial Services), Cabinet Office, Portfolio and Internal and External Affairs, Portfolio of Legal Affairs, and Ministry of Health, Environment, Youth, Sports and Culture. Thank you letters should be sent to those Chief Officers who had provided the information requested.

#### b. People Initiated Referendums

The Commission questioned whether any follow up was done on their request for information on the topic of People Initiated Referendums. It was noted that the Secretariat had followed up with persons and only one other person indicated that they would be submitting a paper but they have not done so. The Secretariat will now develop a discussion paper for the Commission's approval on this topic. The paper will include the one response given by Captain Patrick Schmidt as well as information on the constitutional requirement of needing 25% of voters to sign a petition for a referendum and whether this is too onerous on the voters given the large number of civil servants there are. Research will need to be conducted on how many civil servants are eligible to vote and how many of that number have actually registered to vote.

### **4. New Business**

#### I. Professor Jowell's Visit

The Commission enquired as to the background for asking Professor Jowell to attend the Cayman Islands and the Secretariat indicated it was raised at the December 2010 Chairpersons meeting. All Chairpersons in attendance as well as the Governor and Deputy



Governor fully supported the idea, however there had not been representation by the Constitutional Commission at that meeting and details of the discussion had not been shared.

The Commission continues to emphasize the need for greater integration with the other Commissions. It is of the view that the Chairpersons meeting is not enough to provide this integration, especially if information is not shared. Perhaps minutes could be taken and circulated to all members. A quarterly meeting of all members of the various commissions had previously been suggested, but had not been followed through. A monthly newsletter was also a suggestion for better information sharing. The Commission would like to set aside a ½ day for all of the Commissions to meet in a visioning session and discuss any issues they are facing or any concerns they are having. There was a need for a coordinated vision and approach to sharing information regarding the Constitution and its practical application.

The Commission queried which Commissions, aside from the CSPL, had queries about their mandate and the Secretariat indicated that both the HRC and the JLSC had queries and have utilised Professor Jowell's services since being created. The Commission also queried whether it would not have been better and less costly to write to Professor Jowell with specific questions instead of having him visit the island. The Commission would like to receive all of the questions posed by each of the Commissions in advance of Professor Jowell's visit as it sees its role as being responsible to provide and coordinate advice on all constitutional matters, even those areas where the other Commissions have an individual remit. The Commission proposes that instead of individual meetings with each Commission, there is one collaborative meeting with Professor Jowell where he answers these questions in front of all members from every Commission. What is crucial is that the solutions discussed are based on local application and in the best interests of the Cayman Islands.

The Commission will write to the Chairpersons to propose these joint meetings.

Additionally enquiries were made as to whether Professor Jowell will hold any public meetings. Further questions were asked as to the logistics of the meeting including the topic and who would accompany Professor Jowell at the meeting. The Secretariat proposed that his public discussion would surround the importance of the constitution. One idea which had been raised was a round table discussion during a lunch time outside of the Court House with Professor Jowell and several other local persons. It was thought that having the event in this setting would attract persons who were already in town. The Secretariat is sourcing giveaways if this were to happen that we could use to encourage the public to come out and ask questions.

The Commission has been scheduled to meet with Professor Jowell on Thursday, 23 June, 2011 at 9am. They have been asked to submit questions/queries they may have in advance for him to research.

Overall the Commission felt that the amount of fifteen thousand pounds earmarked to fund Professor Jowell's trip would have been better used on other projects to strengthen the work of the Commissions such as the printing of publications. The written answers from Professor Jowell could also be published.

## II. Constitution Week 2011

Regrettably the Chairman had to leave the meeting to attend another previously scheduled engagement and thus the details of Constitution Week will be discussed more in-depth at the next meeting.

## III. UN Special Committee on Decolonization

The UN is now holding their meeting in St. Vincent and the Grenadines from 30<sup>th</sup> May to 2<sup>nd</sup> June, 2011. It is noted that the Cayman Islands Government is not participating in the meetings and upon further investigation it was found that the Constitutional Commission is not considered a non-governmental organization for the purposes of being allowed to attend.



Member Wil Pineau will be attending in his capacity as Chief Executive Officer of the Chamber of Commerce, as will the President of the Chamber. It was agreed that he will make reference to the Constitutional Commission and other Institutions Supporting Democracy in his submission.

**5. Any Other Business**

**I. Secretariat Support**

The Commission queried the staffing levels of the Secretariat and whether they would have an Analyst assigned specifically to the Commission. It was indicated that the Secretariat will be down to two Analysts by 1 June, 2011 and that no Analyst would be assigned to any one Commission as the Secretariat has found that the work load of the Commissions vary and it is more efficient for the Manager to be able to make assignments to different Analysts based on the needs at the time.

**II. Amendments to Website**

The Commission has asked that the publication drop down be extended to include an option for Opinions/Discussion papers and one for Correspondence. Once those options have been included the Commission wishes to have their Opinion on Civil Servants Rights to Participate in Political Activity moved from the Reports section to the new Opinions/Discussion papers section. In addition, the submission by Captain Schmidt on People Initiated Referendums should be uploaded to this same section; and the correspondence between the Commission and the Governor and the Premier should be uploaded to the Correspondence section.

**III. Cabinet Manual**

The Commission asked the Secretariat to enquire as to whether the Cabinet office has a Draft Cabinet Manual that details the operations of Government and whether they can receive a copy of that manual.

**IV. CC Opinion on Civil Servants Rights to Participate in Political Activity**

The Commission has asked the Secretariat to forward a cover letter as well as a copy of the opinion to the Speaker of the House, the Premier, the Leader of the Opposition, the Cabinet Secretary and the Commission Chairpersons.

**V. Enquiry Received**

The Commission received an enquiry from a member of the public via the Secretariat and Member Julene Banks has indicated that she will provide a response to him on his question. The question was regarding Section 92(1) of the Cayman Islands Constitution Order 2009.

**6. Action List**

The Commission will:

- i. confirm with the district representatives dates for the West Bay and Cayman Brac meetings (Pastor Al)
- ii. reach out to some of the private companies/individuals who may be interested in donating funds to the projects of the Commission (Wil)
- iii. continue to work on the editing of the booklets created by the Secretariat (Julene).
- iv. Submit any questions/queries they have for Professor Jowell's consideration;
- v. provide a response to the member of the public on his question (Julene)

The Secretariat will:

- i. contact both Talk Shows on the morning of the 19<sup>th</sup> May to remind the public of the meeting;
- ii. set up a meeting with GIS;
- iii. contact the National Gallery;
- iv. provide a breakdown of the monies spent in the last fiscal year;
- v. research funding opportunities for the Commission;

- vi. draft a letter to the Governor, Deputy Governor and Attorney General as indicated in 3 (III) (a) above;
- vii. draft the two discussion papers;
- viii. draft a letter to the Chairmen requesting questions posed by each of the Commissions in advance; propose that instead of individual meetings, there is one collaborative meeting with Professor Jowell where he answers these questions in front of members from every Commission; and invite each of the Commissions to a ½ day meeting to discuss any issues they are facing or any concerns they are having;
- ix. request the indicated amendments be made to the website;
- x. enquire as to whether the Cabinet office has a Draft Cabinet Manual that details the operations of Government and whether they can receive a copy of that manual; and
- xi. draft a cover letter and forward the CC Opinion on Civil Servants Rights to Participate in Political Activity to the Speaker of the House, the Premier, the Leader of the Opposition, the Cabinet Secretary and the Commission Chairpersons.

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

- i. PR Campaign - GIS
- ii. Update on Discussion Papers
- iii. District Meetings
- iv. Constitution Week 2011
- v. Professor Jowell's visit
- vi. Response from Cabinet re: Draft Cabinet Manual
- vii. Response to Enquiry from a member of the public
- viii. Funding Opportunities
- ix. Responses to any Correspondence

**8. Next Meeting**

Dependent on the schedule of the Chairman, the tentative date for the next meeting has been set for 24 May, 2011 at 9:00 a.m. at the Commission Secretariat Boardroom.

**9. Adjournment**

The meeting was adjourned at 11:30am



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**Pastor Al Ebanks**  
**CHAIRMAN**  
**CONSTITUTIONAL COMMISSION**