



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT  
ELECTRONIC VERSION**

**2014/15 SESSION**

**10 September 2014**

*First Sitting of the Second Meeting  
(pages 293-332)*

**Hon Juliana O'Connor-Connolly, JP, MLA  
Speaker**

**Disclaimer:** The electronic version of the *Official Hansard Report* is for informational purposes only. The printed version remains the official record.

PRESENT WERE:

**SPEAKER**

Hon Juliana Y O'Connor- Connolly  
Speaker of the Legislative Assembly

**MINISTERS OF THE CABINET**

|                                    |   |
|------------------------------------|---|
| Hon Alden McLaughlin, MBE, JP, MLA | <i>The Premier</i> , Minister of Home and Community Affairs                           |
| Hon Moses I Kirkconnell, JP, MLA   | <i>Deputy Premier</i> , Minister of District Administration,<br>Tourism and Transport |
| Hon D Kurt Tibbetts, OBE, JP, MLA  | Minister of Planning, Lands, Agriculture, Housing and<br>Infrastructure               |
| Hon Marco S Archer, MLA            | Minister of Finance and Economic Development  |
| Hon Osbourne V Bodden, MLA         | Minister of Health, Sports, Youth and Culture   |
| Hon G Wayne Panton, MLA            | Financial Services, Commerce and Environment  |
| Hon Tara A Rivers, MLA             | Minister of Education, Employment and Gender Affairs                                  |

**EX OFFICIO MEMBERS OF THE CABINET**

|                             |   |
|-----------------------------|---|
| Hon Eric L Bush             | Temporary Deputy Governor, ex officio Member<br>responsible for the Civil Service |
| Hon Samuel W Bulgin, QC, JP | Attorney General, ex officio Member responsible for<br>Legal Affairs              |

**ELECTED MEMBERS**

**GOVERNMENT BACKBENCHERS**

|                                  |   |
|----------------------------------|---|
| Hon Anthony S Eden, OBE, JP, MLA | <i>Deputy Speaker</i> , First Elected Member for Bodden<br>Town |
| Mr Alva H Suckoo, MLA            | Fourth Elected Member for Bodden Town                           |
| Mr Roy McTaggart, MLA            | Second Elected Member for George Town                           |
| Mr Winston C Connolly, Jr, MLA   | Fifth Elected Member for George Town                            |
| Mr Joseph X Hew, MLA             | Sixth Elected Member for George Town                            |

**OPPOSITION MEMBERS**

|                                     |  |
|-------------------------------------|--|
| Hon. W. McKeever Bush, OBE, JP, MLA | <i>Leader of the Opposition</i> , First Elected Member for<br>West Bay |
| Mr Bernie A Bush, MLA               | Third Elected Member for West Bay                                      |
| Capt A Eugene Ebanks, JP, MLA       | Fourth Elected Member for West Bay                                     |

**INDEPENDENT MEMBERS**

|                             |                               |
|-----------------------------|-------------------------------|
| Mr D Ezzard Miller, JP, MLA | Elected Member for North Side |
| Mr V Arden McLean, JP, MLA  | Elected Member for East End   |

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**10 SEPTEMBER 2014**  
**10:31 AM**  
*First Sitting*

*[Hon. Juliana Y. O'Connor-Connolly, Speaker, presiding]*

**The Speaker:** Good morning. I will ask the Honourable Minister of Education to grace us with Prayers.

**PRAYERS**

**Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs:** Let us pray.

*Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.*

*Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Cabinet and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.*

Let us say The Lord's Prayer together: *Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.*

*The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.*

**The Speaker:** Proceedings are resumed.

Please remain standing for the Administration of Oaths and Affirmations.

Madam Clerk.

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**The Speaker:** I invite Mr. Bush to take his place at the dias.

**OATH OF DUE EXECUTION**  
*[Administered by the Clerk]*

**Hon. Eric L. Bush, Acting Deputy Governor:** I, Eric Lennox Bush, do swear and declare that I will well and truly serve Her Majesty Queen Elizabeth II, her heirs and successors, and the people of the Cayman Islands in the Office of Ex-Officio Member of the Legislative Assembly, so help me God.

**OATH OF ALLEGIANCE**  
*[Administered by the Clerk]*

**Hon. Eric L. Bush, Acting Deputy Governor:** I, Eric Lennox Bush, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**The Speaker:** Mr. Bush, I welcome you to this honourable Legislative Assembly and I now invite you take your seat.

Please be seated.

**READING BY THE HONOURABLE  
SPEAKER OF MESSAGES  
AND ANNOUNCEMENTS**

**The Speaker:** I have given permission to the Girls Brigade to make a presentation to the honourable Parliament. To facilitate this presentation, I am going to suspend the House for five minutes and ask that Members would kindly remain their seats for this long overdue explanation and indeed presentation.

The House is now suspended for five minutes.

**Proceedings suspended at 10:18 am**

**PRESENTATION BY THE GIRLS BRIGADE**

**The Speaker:** I will ask the Serjeant to invite Mrs. Miller and her Girls Brigade.

**Ms. Jenelle McLaughlin:** *[begins mid sentence]* It was presented to the Legislative Assembly by Sir Cyril Black, a Member of the British Parliament and International Vice President and Treasurer of the Girls Brigade, on behalf of the youth of the Cayman Islands on the opening of this building on July 31<sup>st</sup>, 1972. It symbolises purity and youth with the crystal stars

[SOUNDS LIKE]] reaching outwards to the heights that can be achieved.

Madam Speaker, this gift has remained on the shelf in an office here for the past 42 years with no one knowing what it was or what it was doing there. The Girls Brigade would therefore like to present this Perspex case to you today and request that it now be placed on public display so that present and future legislators and visitors may enjoy its beauty and know its significance.



*[Pause while the Speaker accepted gift]*

### Proceedings resumed at 10:21 am

**The Speaker:** The House is resumed.

On behalf of the Members of the House we would like to thank Mrs. Miller and her Girls Brigade for this generous donation, and for recording it into the History Books of Hansard. And we look forward to putting it in a very prominent place within this honourable Legislative Assembly.

Madam Clerk.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

### UK FINANCIAL CONDUCT AUTHORITY'S HIGH RISK COUNTRIES' LIST

**The Speaker:** I recognise the Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Thank you, Madam Speaker.

Madam Speaker, Members of this Honourable House are well aware of the unwarranted inclusion of the Cayman Islands on the UK Financial Conduct Authority's 'High Risk Countries' list, which the FCA posted on its website on 18 July this year.

Today I am pleased to officially inform Members that this list has been removed from the FCA's website and that the FCA does not plan to publish such a list in the future. Furthermore, at the insistence of our Minister for Financial Services, the FCA will fully review the methodology that resulted in Cayman's listing in the first place.

Madam Speaker, I commend the appropriately diplomatic, but forthright, approach demonstrated by the Minister in his communication with the FCA, which commenced prior to the list's publication. As the Minister noted in his letter to the FCA, the inclusion of the Cayman Islands was arbitrary and indeed incorrect. The Cayman Islands not only adheres to international AML-CFT standards, but we are also at the

forefront of setting standards. So, again, I commend the Minister and his staff for an exceptional result.

I also wish to recognise the diplomacy of the Managing Director of the Cayman Islands Monetary Authority who also wrote to the FCA. Both the Minister and the MD benefitted from advice given to them by the Attorney General and the General Counsel for CIMA as well as officials in the Ministry of Financial Services, the Anti-Money Laundering Unit and the Financial Reporting Authority.

I believe that the approach taken has been instrumental in the outcomes of this matter; and that it has set the stage for the continuing and, we trust, productive, conversations on a peer-to-peer basis between CIMA and the FCA, which is the regulator of the UK's financial services industry. The dialogue needs to continue, Madam Speaker, because while the FCA has committed to reviewing its methodology, we still do not know more about the approach that led to the 18 July listing, and we do not know the intended methodology for future compilations if any.

CIMA's vital role, therefore, is to provide information to FCA officials to ensure that, going forward, they are accurately informed about Cayman's regime. This would include providing them with third-party assessments and data that, while publicly available, apparently did not factor into the research that was conducted in the compilation of the FCA's 18 July list.

Madam Speaker, while the FCA's list is not a 'black list'—which comes with a raft of negative connotations—the FCA's list nevertheless could raise questions regarding Cayman's reputation and this subsequently could affect our business.

It is therefore necessary to safeguard against potential misinformation, if you will, by making sure that the FCA is aware of evidence such as Cayman's ratings in the OECD's 2013 Global Forum on Transparency and Exchange of Information for Tax Purposes rankings, and our practices regarding the collection of Know Your Customer [KYC] information on legal structures.

Finally Madam Speaker, the Minister of Financial Services and I had secured appointments with the Treasury Minister and the Minister for Overseas Territories to address this issue and had proposed to travel to London this coming weekend. However, in the present circumstances we do not think that meetings with the Ministers at this time are strictly necessary. We shall continue to carefully monitor this situation to ensure that the interests of the Cayman Islands are fully protected and defended. And I give that undertaking to this honourable House, Madam Speaker, and to all of the citizens of the Cayman Islands.

## GOVERNMENT BUSINESS

### BILLS

## FIRST READINGS

### GRAND COURT (AMENDMENT) BILL, 2014

**The Clerk:** The Grand Court (Amendment) Bill, 2014.

**The Speaker:** The Grand Court (Amendment) Bill, 2014, is deemed to have been read a first time and is set down for Second Reading.

### MUTUAL FUNDS (AMENDMENT) BILL, 2014

**The Clerk:** The Mutual Funds (Amendment) Bill, 2014.

**The Speaker:** The Mutual Funds (Amendment) Bill, 2014, is deemed to have been read a first time and is set down for Second Reading.

### MERCHANT SHIPPING (AMENDMENT) BILL, 2014

**The Clerk:** The Merchant Shipping (Amendment) Bill, 2014.

**The Speaker:** The Merchant Shipping (Amendment) Bill, 2014, is deemed to have been read a first time and is set down for Second Reading.

## MOTIONS

### SUSPENSION OF STANDING ORDER 24(5)

**The Speaker:** I recognise the Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Thank you, Madam Speaker.

Madam Speaker, I beg to move the suspension of Standing Order 24(5) to enable the following Government Motion, entitled, "Amendment to the Development Plan (1997)," to be dealt with during this Meeting, notwithstanding the fact that it does not have the required five-day notice.

**The Speaker:** The question is that Standing Order 24(5) be suspended to allow a Government Motion to be dealt with during this current Meeting.

All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 24(5) suspended.**

## GOVERNMENT MOTION

### GOVERNMENT MOTION NO. 1/2014-15— CAYMAN ISLANDS CONSTITUTION ORDER 2009 (ELECTORAL BOUNDARIES)

**The Speaker:** I recognise the Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Thank you, Madam Speaker.

I beg to move Government Motion No. 1/2014-2015, entitled, The Cayman Islands Constitution Order 2009, SI.2009 No. 1379:

**WHEREAS** there is consensus in the Government for the adoption of the principle of one elector one vote as the basis of the electoral system of the Cayman Islands;

**AND WHEREAS** the Government is desirous that the Cayman Islands be divided into single member electoral districts;

**AND WHEREAS** section 88(1) of the Constitution set out in Schedule 2 to the Cayman Islands Constitution Order 2009, SI. 2009 No. 1379 (in this Motion referred to as "the Constitution") provides that an Electoral Boundary Commission shall be appointed from time to time at such time as the Governor, acting after consultation with the Premier and the Leader of the Opposition, may determine;

**AND WHEREAS** section 89 of the Constitution provides that an Electoral Boundary Commission shall, as soon as practicable after its appointment, review the boundaries of the electoral districts into which the Cayman Islands are divided and, taking into account the changes or proposed changes, if any, in the number of electoral districts or of elected members of the Legislative Assembly, shall submit a report to the Governor and the Legislative Assembly containing its recommendations for any changes in the number and boundaries of the electoral districts;

**AND WHEREAS** section 60(2) of the Constitution provides that a law made under section 59(2) may increase the number of elected members of the Legislative Assembly; but no such law shall come into force unless an order by the Governor providing for the electoral districts and their boundaries to take account of the additional elected members in accordance with section 89 has been made;

**AND WHEREAS** at the time when the Electoral Boundary Commission Report 2010 was made the number of registered electors was 15,300;

**AND WHEREAS** at the time of the General Elections in 2013, the number of registered electors had increased to 18,434;

**AND WHEREAS** the Elections Office has confirmed that the number of electors registered as at 1 July 2014 is 18,364, a 20.03% increase over the 2010 numbers;

**AND WHEREAS due to such large increase in the number of registered electors (from 2010 to date), there is a need for an Electoral Boundary Commission to be appointed to review the boundaries of the electoral districts into which the Cayman Islands are divided, taking into account the significant increase in the number of registered electors, proposed changes in the number of electoral districts and proposed changes in the number of elected members of the Legislative Assembly;**

**BE IT THEREFORE RESOLVED THAT the Legislative Assembly agrees that the Governor should be invited, in accordance with section 88 of the Constitution, to appoint an Electoral Boundary Commission;**

**AND BE IT FURTHER RESOLVED THAT following the making of an Order by the Governor, pursuant to section 89(6) of the Constitution, for the determination of the boundaries of the electoral districts of the Cayman Islands, the Government thereafter submits to the Legislative Assembly a Bill to make the necessary amendments to the Elections Law (2013 Revision) in accordance with the said Order to enable the establishment of single member electoral districts in the Cayman Islands, with each elector having one vote;**

**AND BE IT FURTHER RESOLVED THAT the process be completed in good time so as to ensure that the General Elections due in 2017 are conducted on the basis of single member electoral districts with each elector having one vote.**

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Premier wish to speak thereto?

**The Premier, Hon. Alden McLaughlin:** Yes, Madam Speaker.

**The Speaker:** Please proceed.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, there is before this honourable House this morning a Motion by the Government which seeks resolutions of this honourable House, first to establish or to invite Her Excellency to establish an Electoral Boundary Commission; and secondly, Madam Speaker, to commit the Government, following the carrying out of any exercise by the Electoral Boundary Commission and the provision of its report, to proceed to bring to this honourable House the necessary Bill to make amendments to the Elections Law to ensure that new voting districts in the Cayman Islands are created, and that the three Cayman Islands are divided into single-member electoral districts with each elector having one vote in advance of the next general elections; indeed, Madam Speaker, in good time to ensure that the general elections to be held in 2017

are conducted on the basis of single-member electoral districts with each elector having but one vote.

Madam Speaker, the present arrangement in the Cayman Islands, which has existed for as long as I can recall, is that there are six electoral districts. The five known districts in Grand Cayman—East End, North Side, Bodden Town, George Town and West Bay making up the first five, and Cayman Brac and Little Cayman combining to make the sixth electoral district.

There are currently 18 elected Members of the Legislative Assembly. And so, Madam Speaker, at a minimum, the Cayman Islands would be divided into 18 electoral districts with each elector, or each voter, having but one vote which would be a significant departure from the present arrangement where we have two districts which have one representative (and, therefore, each voter having but one vote), and other districts having a different number of representatives (and, therefore, the electors or voters in those districts having a different number of votes).

In George Town, for instance, voters have six votes to cast because there are six representatives. In Cayman Brac they have two, because there are two representatives. And in West Bay and Bodden Town each voter has four votes because they have four representatives. And so, Madam Speaker, what is proposed is a significant departure from the present arrangement.

Madam Speaker, in bringing this Motion the Government is carrying out what we believe is our mandate. It is the certainly the mandate of the Progressives who campaigned on the basis of doing so. And it is a position of the party, which I have the honour to lead, has held at least since 2002.

Madam Speaker, our arrival here today has been preceded by a number of notable events, not least of which was the referendum which was held in 2012. And while the referendum did not carry because the turnout at the polls was well below what was required to ensure that the standard (which was set in the Referendum Law for passage of the referendum) was met, those who did turn out to vote voted in the majority in favour of a move to, or the adoption of the principle of one person one vote or equality of franchise.

Madam Speaker, following that, since this Government took office, there was a motion brought by the Elected Member for East End (who moved the motion), and seconded by the Elected Member for North Side, which sought to have this House resolve for the Government to bring a Bill within three months to amend the Elections Law to create single member constituencies. Madam Speaker, I want to refer to that motion—which failed the last time around—to point out what the difficulties were with that.

Madam Speaker, I hesitate to say this much about a matter that is on the Business Paper for this Meeting but is not yet currently before the House, but I do believe for the sake of clarity and understanding, I

should mention that the same motion, a motion in precisely the same terms, has again been filed by the elected Member for East End and the elected Member for North Side. I won't say any more about that but Members can draw their own conclusions about the appropriateness of that motion by virtue of my analysis of the motion which failed back in February, because they are in identical terms.

Madam Speaker, I just need a moment to put my hand on that motion.

[Pause]

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, it is important to understand why the Motion which is before the House is in the precise terms that it is in. And to demonstrate that, Madam Speaker, I wish to refer to the failed motion—not the one to come, the failed motion which this House dealt with in February.

I am not going to go through the recitals because it is not necessary. The important bit is what it asked this House to resolve to do. And that motion asked the House to resolve **“that the Government shall consider bringing a Bill within 3 months to amend the Elections Law (2009) Revision to introduce an electoral system of single member constituencies so as to allow the next General Election to be conducted on the basis of the equal suffrage principle of “one person one vote” under the First Past the Post System, which timeframe will allow sufficient time to educate the electors on the changes to the voting system.”** [Private Member's Motion No. 4/2013-14]

Madam Speaker, I think the first point of note is that that resolution made no reference whatsoever to the number of electoral districts or single member constituencies, as they called them, in it. And I say that, Madam Speaker, because that has been a complaint which we have heard from the elected Members for East End and North Side repeatedly on the radio and elsewhere over the course of the last week since the Government Motion has been filed.

The Motion that is before the House, which we have now brought, mirrors the resolve section of their earlier motion in that regard, in that it contains no reference to the number of electoral districts.

Now, Madam Speaker, while that has been in recent days, alluded to by the Members for East End and North Side as some sort of deficiency, indeed, it is not. And whoever advised them initially about this issue, plainly understood that by virtue of the Constitution the minimum number of Members which this House can have is 18. There is no basis in the Constitution at all for this House to be able, by amending any law, to reduce the number of elected Members below 18.

Madam Speaker, I will refer to the relevant sections of the Constitution, sections 59 and 60. Section 59 of the Constitution deals with the composition

of the Legislature and its power to make laws. Section 59(1) says: **“There shall be a Legislature of the Cayman Islands which shall consist of Her Majesty and a Legislative Assembly.”**

Section 59(2): **“Subject to this Constitution, the Legislature may make laws for the peace, order and good government of the Cayman Islands.”**

Section 60(1) says: **“The Legislative Assembly shall consist of—**

- (a) the Speaker;**
- (b) eighteen elected members, who shall be persons qualified for election in accordance with this Constitution and elected in the manner provided for in a law enacted for the purposes of section 93; and**
- (c) the Deputy Governor and the Attorney General, ex officio.”**

Section 60(2) provides: **“A Law made under section 59(2) may increase the number of elected members of the Legislative Assembly; but no such law shall come into force—**

- (a) unless an order by the Governor providing for the electoral districts and their boundaries to take account of the additional elected members in accordance with section 89 has been made; and**
- (b) until the dissolution of the Legislative Assembly next following the enactment of such law.”**

So, Madam Speaker, on the reading of these two sections together, it is clear that this House, by amending the Elections Law, could not reduce the number of Members of the Legislative Assembly. It may increase them, but may not reduce them. And I say that, Madam Speaker, in the hope that this will go some way to alleviate the fear by the Members for East End and North Side that somehow the actions of the Government or the Electoral Boundary Commission may result in the combination of East End and North Side and one of them will automatically lose their seat.

**Mr. V. Arden McLean, Member for East End:** I ain't got any worries about that.

**Mr. D. Ezzard Miller:** It's the Premier you have to worry about, my boy, not me.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, a number of their friends and associates have come to me explaining to me that this is the concern that has been expressed.

Madam Speaker, it may well be that a boundary commission might possibly recommend the combination of the two districts on the basis that the number of voters in each district would only be about half of the number of voters in all of the other districts,

save Cayman Brac. But even if they were to recommend that, (and it is not for us to say what the Electoral Boundary Commission may recommend; it is a matter for them), the Boundary Commission would then have to recommend the creation of another electoral district somewhere because the number of Members cannot go below 18.

So, Madam Speaker, I hope . . . as some on my side have said, that I probably should not have put them out of their misery so early and let them worry a bit more about that. But I want for this debate to proceed on a very serious basis and ensure that some of the misconceptions that the two Members for East End and North Side plainly have, and constantly expresses on the radio and elsewhere, be sorted out very early in this important debate.

Madam Speaker, the other misconception which the Members seem to have, and, certainly, which at least one of their advisors continues to reiterate to Members of my team, is about the role of the Electoral Boundary Commission.

The Electoral Boundary Commission is an independent body. It is not for this House—it is not even for the Governor—to dictate to the Electoral Boundary Commission what its recommendations are or can be. It is open to this House and Members to make proposals about what the number of elected representatives should be or not be, the number of electoral districts should be or not be. This Government has chosen not to make any proposal with respect to the number of electoral districts. But we have proposed that the Cayman Islands be divided into single member electoral districts. That is our proposal. What the Electoral Boundary Commission decides to do about those proposals is a matter for them. All that the Constitution requires is that they have regard to the proposals.

Madam Speaker, section 88(9) makes it clear that none of us, or anyone else has the ability to direct or to control the Electoral Boundary Commission. It says: **“(9) In the exercise of its functions under this Constitution, an Electoral Boundary Commission shall not be subject to the direction or control of any other person or authority.”**

Not even the Members of this House, as big and bad as some of us seem to think that we are! The Electoral Boundary Commission is an independent body once it is appointed. It is bound by the provisions of the Constitution and must carry out its duties in accordance with the Constitution; not subject to the direction or control of any Member of this House or anybody else.

Now, Madam Speaker, section 89(1). This is what the Boundary Commission is required to do: **“An Electoral Boundary Commission shall, as soon as practicable after its appointment, review the boundaries of the electoral districts into which the Cayman Islands are divided”** (that is, in the present circumstances to look the boundaries of the six electoral districts which exist) **“and, taking into account**

**the changes or proposed changes, if any, in the number of electoral districts or of elected members of the Legislative Assembly, shall submit a report to the Governor and the Legislative Assembly containing its recommendations for any changes in the number and boundaries of the electoral districts.”**

So, Madam Speaker, it is entitled and required to take into account the changes or proposed changes, if any. But, even if there are no changes or proposed changes, it is still required to submit a report to the Governor and the Legislative Assembly containing its recommendations for any changes in the number and boundaries of the electoral districts.

I hear the muttering of the elected Member for East End over there, but he needs to look at what the section says. Regardless of whether or not proposals are made, the Electoral Boundary Commission, once appointed, is required to make recommendations to the Legislative Assembly and the Governor. So, it is required to take into account what has been proposed, but is certainly open to them to give recommendations as they see fit.

If one examines the two previous Electoral Boundary Commission reports which were done, the one in [2003](#) and the most recent one in [2010](#), you will see a wide range of recommendations which they have made. In the case of the 2010 report, they even provided alternative recommendations about the kinds of systems that ought to be. So, it is a matter for the Boundary Commission and what they wish to do.

This Government has expressed what we would like to see by virtue of what is contained in the Motion. And we have said that the Government is desirous that the Cayman Islands be divided into single member electoral districts. That is all that we have said. That is all that we have proposed, as far as the Electoral Boundary Commission is concerned. What the Electoral Boundary Commission wishes to do with that proposal is a matter for them.

Of course, Madam Speaker, we fully expect that the Electoral Boundary Commission will have much regard to what is the wish of this House in this respect, and we would not expect that they would ignore it. But the Electoral Boundary Commission may have views about a range of other things and it is quite open to them to make whatever recommendations they see fit with respect to that. Whether or not this House accepts those recommendations ultimately, is entirely a matter for this House. The Electoral Boundary Commission does not have the power of decision-making. It has only the power to recommend. It is this House, ultimately, which will decide what will be the result.

And to make sure that everyone understands that, Madam Speaker, let me continue my analysis of section 89 of the Constitution.

I am going to read section 89(1) again: **“An Electoral Boundary Commission shall, as soon as practicable after its appointment, review the**

boundaries of the electoral districts into which the Cayman Islands are divided and, taking into account the changes or proposed changes,” (in this case, the proposed changes to move to single member electoral districts—the proposal of the Government), “if any, in the number of electoral districts” (obviously, there would have to be a change in the number of electoral districts to get to single member electoral districts because we have 18 elected members) “or of elected members of the Legislative Assembly,” (we have not proposed that there is to be any change in the number of elected members) “shall submit a report to the Governor and the Legislative Assembly containing its recommendations for any changes in the number and boundaries of the electoral districts.”

Subsection (2) “In preparing its report under this section the Commission shall – (a) take no account of the racial distribution of electors within the Cayman Islands; (b) take into account the natural boundaries within the Cayman Islands; (c) have regard to existing electoral districts; and (d) subject to the foregoing provisions of this subsection, ensure that – (i) so far as reasonably practicable, across all electoral districts there will be an equal ratio between the number of elected members of the Legislative Assembly representing each electoral district and the number of persons qualified to be registered as electors under section 90 in that district; but (ii) Cayman Brac and Little Cayman shall (between these two islands) at all times return at least two members to the Legislative Assembly.”

So, Madam Speaker, pausing there, those are the parameters. That is the criteria by which the Commission will have to go about its work. And so it will have to balance these two competing provisions: 1) having regard to existing electoral districts; and 2) seeking so far as reasonably practicable across all of those districts to get an equal ratio between the numbers of elected members of the Legislative Assembly and persons qualified as voters.

What that means, Madam Speaker, is that they must strive to have as close as possible, equal numbers of voters in each electoral district. And therein is the genesis of the concern of the Members for East End and North Side, because the way these numbers are looking, we are going to have roughly 1,100 voters in all of the districts except East End and North Side and Cayman Brac. But it is not our position to do anything about this. Even if we wish to, we couldn't. This is a matter for the Electoral Boundary Commission. Their constitutional duty is to consider these issues.

Madam Speaker, section 89(3), this is the way the process is supposed to unfold: “As soon as may be after the Commission has submitted a report [under subsection (1)], the Premier shall lay before the Legislative Assembly for its approval the draft of an order by the Governor for giving effect,

whether with or without modifications, to the recommendations contained in the report, and that draft may make provision for any matters which appear to the Premier to be incidental to or consequential upon the other provisions of the draft.”

Subsection (4): “Where any draft order laid under this section would give effect to any such recommendations with modifications, the Premier shall lay before the Legislative Assembly together with the draft a statement of the reasons for the modifications.”

So, Madam Speaker, what this is saying is that as soon as the report is completed and given to the Governor, the Governor will have drawn up an order reflecting the recommendations which she will give to me. I then have to bring that to the House to seek approval of the House. If the Government, which I lead, is of the view that the recommendations require modifications, I still have to bring the order, with a statement of reasons for the modifications that we seek to the order. And then, I have to move a motion (in the way that I moved this motion this morning) asking the House to approve the draft order, either with or without the modifications.

If it is approved by resolution of the House, well and good, and I will submit it to the Governor who will make the order final and publish it in the *Gazette* and the order will come into force for the determination of the boundaries of the electoral districts for the next general election, after the dissolution of the current House. If the House votes it down, then we will have to go back and try to make amendments which would have been indicated in the debate by Members and bring it back and keep doing that until we get resolution. That is the way the system works.

I go through that in some detail, Madam Speaker, to say that not only the fears, but the premise on which the Members for East End and North Side are proceeding with respect to this Motion before the House and the motion which they brought in the first place back in February, is that somehow the Electoral Boundary Commission has the power to do all sorts of things. The only power the Electoral Boundary Commission has is the power set out in the Constitution, which is to make recommendations. It is this House that will ultimately decide yea or nay with respect to the recommendations.

Madam Speaker, they also appear to be proceeding on the premise that they, and anybody else, can tell the Commission what to do. I was careful to point out what section 88(9) says, and that is that nobody—not even the Governor—has power over the recommendations and the direction of what the Commission does, only to ensure that they comply with the provisions of the Constitution.

Now, Madam Speaker, in the motion that was brought in January last year and was dealt with in this House, which failed (the motion by the Elected Member for East End and seconded by the Member for North Side), made no mention whatsoever and clearly

did not take into contemplation the need for the appointment of an electoral boundary commission. Because it asked the House to resolve that the Government brings a Bill within three months of the passage of the motion.

Madam Speaker, that is physically impossible. The whole premise of single member constituencies and one person one vote is about fairness, about each voter in the system. Everybody talks about one man one vote; I used to say that I hope they meant the women can vote too. But it is not even one man one vote. There are many men and women in Cayman who cannot vote. It is one elector one vote, because unless you are registered on that list, you cannot vote. Hence, the language we have employed in our motion, which is, *we are desirous of the Cayman Islands being divided into single member electoral districts*, because that is the language of the Constitution and the law, *and each elector having one vote*, because that again is the language of the law.

Coming back to my point, Madam Speaker, the principle is equality of franchise or equal suffrage. And to proceed, as the Members did in January or February of last year, on the basis that there need not be an electoral boundary commission survey and report, is in direct contravention or contradiction of that principle. They knew. They absolutely knew that the number of voters had significantly increased since the last Electoral Boundary Commission's Report in 2010, because we had just gone through a general election and the number had increased by more than 3,000 people. So, for them to try to compel the Government to bring amendments to the Elections Law without going through that process—which they know full well that you could not go through that process in three months.

In the past, the Electoral Boundary Commission's reports have taken three to four months to prepare in the first place. Then they have to be considered and go through the process which I have explained, by a draft order by the Governor, my bringing it here, moving a motion seeking to get the approval of the House before we then go and start to seek to draft amendments to the Elections Law to reflect what it is that the House has decided.

So, they knew full well that this was an impossible provision with which the Government could ever comply, and that the Government could never agree to those terms. And, as I said, Madam Speaker, the motion which they have filed this time is in precisely the same terms.

Now, Madam Speaker, they seek to have the Government (I heard them on the radio about this) commit to this process being completed by the 30 June next year. Madam Speaker, the resolution says the Government commits that **“the process be completed in good time so as to ensure that the general elections due in 2017 are conducted on the basis of single member electoral districts with each elector having one vote.”**

Madam Speaker, we can't go further than that. We can't go further than that because we are not in control of all of the components of the process to get us there. I've taken time, Madam Speaker, to explain that the Electoral Boundary Commission, once it is appointed, has to do its work. It is subject to direction by no one. What length of time they take, what hurdles they encounter in going about their work, are not matters which we can have in contemplation, nor do we have control over. And so, Madam Speaker, we cannot commit ourselves to a particular date because, as I said, we are not in control of all aspects of the process.

Now, Madam Speaker, based on history, based on what has transpired with respect to the two previous reports, we believe that between the passage of this Motion and the 30<sup>th</sup> of June, which is roughly nine months, the process should be able to be completed, including the necessary amendments to the Elections Law. But we are long enough in the tooth to know better than to give those two Members a date which we are not in control of and then use it to do what they have become experts in doing, which is beat the Government half to death, if for some reason completely outside our control we can't meet the date. So, I regret to have to disappoint them in that regard, but the Government thought long and hard about the resolve provisions in the current motion.

Madam Speaker, I hope that that has gone some way to deal with the technical objections to the motion which we have heard a lot about over the course of the last few weeks from the two Members.

I want to turn not to speak a bit about why it is that the Government is taking this step at this stage and to address some of the allegations, criticisms of myself and the Government about this matter—not just from those two Members that I have been talking about all morning, but more broadly by our detractors.

Madam Speaker, it took some doing, but some of my good staff were able to put their hands on a document which we submitted (“we” being the PPM – Peoples Progressive Movement— more precisely the parliamentary Opposition in the Cayman Islands, which at that point was made up by the Peoples Progressive Movement) back in July of 2002.

Madam Speaker, back in July of 2002, the parliamentary Opposition was made up of the then . . .

**The Speaker:** Honourable Premier, can you ensure that the Chair has a copy before we are finished please. Thanks.

**The Premier, Hon. Alden McLaughlin:** Forgive me, Madam Speaker, I do have your copy.

**The Speaker:** Thank you.

**The Premier, Hon. Alden McLaughlin:** I was hesitating because I was trying to determine how I should describe them.

The First Elected Member for George Town, Mr. Kurt Tibbetts, was not then Leader of the Opposition because the Constitution had not yet been amended. But he was the Leader of our party and the spokesperson. And then there was (God rest her soul) Mrs. Edna Moyle, the Member for North Side at the time; the current Deputy Speaker, Mr. Anthony Eden; the Elected Member for East End (then and now), Mr. Arden McLean; and myself.

The document that I have just handed you, Madam Speaker, entitled **“Position Paper of the Parliamentary Opposition, Cayman Islands on the Report of the Constitutional Modernisation Review Commissioners, 2002”** was the work product and position of us as the parliamentary Opposition, and indeed, of the party which we had formed. And we submitted this to Her Majesty’s Government back on 10 July 2002.

Madam Speaker, while this Paper was the position of all of us—and I say this, Madam Speaker, only because I think I need to, to try to deal with some of the absolutely preposterous and outrageous allegations by the Elected Member for East End about my position with respect to this. This Paper was drafted by me. I wrote it, as I did most, if not all, of the major documents which my party produced at that time. It is not all of my work; it is not all of my views. But I was the scribe (if I may call it that) of this document. And as early as then, indeed, Madam Speaker, before that, we had taken the position that we supported single member constituencies and one person, one vote.

Back then, Madam Speaker, this is what we said because this is in the height of the electoral reform that was on the way. On page [39](4): **“The Parliamentary Opposition believes that the issue of one man, one vote is the single most important constitutional issue that needs to be resolved to give full legitimacy to our democratic government. The present system in which a resident of George Town has four votes but the resident of East End only one, is unfair, and, in our view, undemocratic. We strongly support the proposal to move to one man, one vote.”**

My signature is appended to this, July 2002. In the interim, the elected Member for East End changed his position at one point, to support at large constituencies. I am not saying that is a bad thing. But for him and others to claim that because of the approach that we have adopted to this . . . and he claimed it well before we won the Government, at a time when all he and others were seeking to do were to use our party and its means to achieve their end without giving any credence or credit to the party and its leadership. He claimed from then that I did not support single member constituencies and one person one vote.

Madam Speaker, the Hansards of this House are replete with the various utterances about this issue, on my part and on the part of everyone else. But, Madam Speaker, there is a principle that I do not be-

lieve the Elected Member for East End fully understands. And that is, that in leadership, in order to lead, you have to have people who are prepared to follow you. And if you run down the road waiving your flag, this is the way you are going and you look back and there is nobody there, I am afraid you may think you are the leader, but you really am not.

I’ve said before, I say again, there is no single issue, save that of integrity, which is worth causing major rifts and problems within the Government. Of course, it is the objective and desire of those who are not in Government to create as much strife and issue and problems for the Government as they possibly can in the hope they can bring the Government down and that they can then become the Government. That is quite legitimate.

But it needs to be understood by the people of this country that stable Government, a Government of integrity, a Government that can move the country forward, is something that is good for all of us. And as the leader of this party and the leader of this Government, I strive every waking moment and even in my sleep—because I wake up in the morning sometimes and find I have been grinding my teeth so I know I have been stressing about something—to work toward consensus-building on every major issue that this Government deals with. I’ve said it before, I say it again: The issue has never been that there was any Member of this team that did not support the principle of equal suffrage and of equal weight in terms of vote.

The issues that some of us had and some of us still have reservations about, are about the size of constituencies and the possibility of manipulation of very small constituencies, and an attempt to find a way to ameliorate or mitigate that. Hence, the proposal which I articulated back in February when we were dealing with the failed motion of the elected Members for North Side and East End on this issue, about a combination of single member electoral districts, and at large constituencies.

We went away after what transpired in February and we thought about it again. We discussed it again. At one point, Madam Speaker, in answer to a direct question from one of the media houses, I said that I doubted whether we would achieve consensus on this issue in this term. I said what I honestly believed. That caused some consternation. But, Madam Speaker, on reflection it was a good thing because what it did was to force us, as a Government, as a caucus, to sit again and analyse the concerns and objections that we have.

Many of us, including myself, have had to conclude that no system is perfect. Because we wind-up with a situation where the elected Member in East End can get elected on 250 or 300 votes but it requires 800 or 900 to get elected in George Town, where he represents (in terms of the electorate) 600 people and I represent 1200, that is not perfect—far from. But if we wait around trying to find the perfect

system, another term would slip by and we would make no further advance.

When we looked at the at large constituency proposal and discussed with the Attorney General, we concluded that it would require a small amendment to the Constitution to give it effect. And I know from experience that any time you are talking about constitutional change, no matter how minor it is, unless it is something that the UK is actually pushing, you just don't know when that process will actually be completed.

From a pragmatic standpoint this issue of electoral reform is not what is on the lips and on the minds and the principles and concerns of the people we represent. There is a small, relatively vocal, group for whom this is a major issue. And it is an obsession of the Members for East End and North Side, who seem to think that somehow going down this road is going to improve their chances of getting into the Government.

But, Madam Speaker, the Government cannot be distracted by an issue like this when we have so many critical issues as it relates to the welfare of the people of these Islands and its future to deal with. We cannot be coming to this House every six months to deal with a single member constituency motion by those two Members.

We have to continue our efforts, and I should say those which are meeting with considerable success, in turning the economy around, putting people back to work, creating more jobs, getting the finances of government back in order, building back the credibility of the Cayman Islands. And as I read today when I made the statement, dealing with the constant challenges to the livelihood of our people and the unwarranted attacks on our financial services industry. Those are the things which . . . not to mention, Madam Speaker, as I should, the issues around crime. Those are the things that have to continue to be the principal focus of this Administration.

So, Madam Speaker, having been faced with another one of these motions, our Government, my caucus (and I am proud of them), sat and we agreed to work through whatever the issues were that we had, and to come up with the best possible proposal we could to put this issue to bed once and for all. As I said, we do not believe that this is perfect. We believe that there is significant inequality (unless there is a combination of East End and North Side, there will be significant inequality). But that notwithstanding, Madam Speaker, no system is perfect. And this is the position set out in the Motion that we have taken.

Madam Speaker, I believe I have addressed (as far as I wish at this point) the concerns as I have heard them expressed by those two Members for East End and North Side. And I have tried to analyse the relevant constitutional provisions, and also to explain the Government's position. I just want to finish, Madam Speaker with one observation. I am reminded of this because of an article I saw in the *Cayman Com-*

*pass* I think yesterday or the day before, resulting in part from things I had said at the press conference when I announced that the Government was proposing this Motion. And that is the impact of single member electoral districts on the outcome of the electoral process.

Madam Speaker, I have heard many over the years, including the two Members for East End and North Side, articulate the view that moving to single member electoral districts will somehow break the party system and make it more possible for individuals to get elected, rather than persons who are part of an organised political entity. Madam Speaker, the world over, and the Caribbean in particular, the introduction of single member electoral districts has served to absolutely entrench not only the party system, but to entrench the two dominant parties.

In many of the countries, in the region and elsewhere, if you are not a member of one of the dominant parties, your chance of being elected is significantly reduced. And if you get elected, you wind-up doing most of your political career what the elected Members for East End and North Side are good at—sitting on the sidelines sniping at the Government but effecting no real change, either in the lives of the people that they represent and districts that they represent, or overall in terms of what national policies are.

Madam Speaker, the electorates come to recognise that very swiftly. And so as the leader of one of the dominant parties and now Premier, rather than me being afraid or worried or concerned about the impact of this move to single member electoral districts, I celebrate. I celebrate, Madam Speaker, because I believe my experiences—and some of them have been very bitter—have taught me that without organised politics, at least in this modern era of Cayman, chaos ensues.

You cannot expect that a group of people who have been elected on separate platforms and who have nothing in terms of ideals or positions or principles or policies in common are forced together in the aftermath of an election and that you are going to wind-up with an administration which is able to, at least not in any short order, be able to lead the country and to have positions on education policy and healthcare and crime and whatever it is. There needs to be organised politics for any progressive nation.

Whether they call them parties or they call them groups or whatever, it needs to be a grouping of people who stand together and people know what they stand for and people when they elect the group who the likely leader is, who the likely ministers are going to be and understand what it is that the policies and positions of that grouping are. That is not to say that independents could never get elected; they do. But the chances get smaller and smaller.

The other factor, Madam Speaker, which we have all learned in recent times, is the cost of running a political campaign is absolutely astounding these days. And without the benefit of the party machinery

and what the party machinery can do, you are going to struggle. Anyone is going to struggle to make any impact nationally.

So, Madam Speaker, for those who believe that the move down this road is somehow going to do away with the party system, particularly for the two Members for East End and North Side, I would urge them that if they want to be around in the long term, they need to join a party or start one. The chances, even if you get elected, of being able to do anything to effect any real change outside the party structure is very, very limited.

Madam Speaker, with those words (I won't say a few) I hope that I have been able to articulate the Government's position with respect to the Motion, and also to indicate why we cannot accept the proposed changes which I anticipate will come from the Members for East End and North Side to the Motion that is before the House. And I hope that I have gone some way to let the country as a whole understand what the Government's position is, what the changes will mean and why the Government has taken the position it has taken, and why we have done so at this time.

I thank you, Madam Speaker.

**The Speaker:** I recognise the Member for East End.

**PROPOSED AMENDMENTS TO  
GOVERNMENT MOTION NO. 1 2014/15  
CAYMAN ISLANDS CONSTITUTION ORDER 2009  
(ELECTORAL BOUNDARIES)**

**Mr. V. Arden McLean, Member for East End:** Thank you, Madam Speaker.

Madam Speaker, in accordance with Standing Order 25(1)(2)(3)(4), I beg to move the following amendments to Government Motion No. 1/2014-15 entitled, "The Cayman Islands Constitution Order, 2009, SI.2009 No. 1379:

1) That the second Whereas be amended by inserting the word "eighteen" after the words "divided into";

2) That the fifth Whereas be deleted in its entirety;

3) That the final Whereas be amended by deleting "and proposed changes in the number of elected Members of the Legislative Assembly";

4) That the second Resolved section be deleted in its entirety;

5) That the final Resolved section be amended by the deletion of the words "in good time" and substituting the words "before June 30, 2015".

**The Speaker:** Is there a seconder?

**Mr. D. Ezzard Miller, Member for North Side:** Madam Speaker, I beg to second the amending Motion.

**The Speaker:** The amendments to the Motion have been duly moved. Does the Member wish to expound thereon?

**Mr. V. Arden McLean:** Yes Ma'am.

**The Speaker:** Please proceed.

**Mr. V. Arden McLean:** Madam Speaker, in the same way that the Premier has now put his forward, I hope to do the same thing. I don't want to get this into a shouting match, but certainly I would begin by saying that, first of all, the Premier knows that I am a party man. And when I was a part of that party he used to do much better in his deliveries and his justifications. I don't know what happened since I left.

Madam Speaker, the Premier has said a whole of number of mouthfuls during the presentation of his Motion. He has also laid some serious accusations on the floor. But the biggest thing he has done is that he has made this about the Member for North Side and I; that's all it is about. It is obvious now why this Motion is on the floor. It is obvious why this Motion was put here. We were questioning, and I have been questioning all along, why the Government had to bring this Motion here, when this same objective could be achieved by the Premier inviting the Governor directly to do it. But now we know what it is. It is about the Member for North Side and I. Let's admit that that is what it is.

So, now that we have straightened that out; let me get my time in now too.

Madam Speaker, first of all the Premier has said that I have fears about losing my seat if we amalgamate, join up East End and North Side, that one of us fears losing his seat and we have to compete against each other. Madam Speaker, he read section 89, I believe almost in its entirety, but he brushed over the real important part and did not explain it to the people of this country. But I will.

You notice, Madam Speaker, that our good Premier brushed over the part about the review and alterations of electoral district boundaries, in that subsection [89](2) says: "**In preparing its report under this section the Commission shall— (a) take no account of the racial distribution of electors within the Cayman Islands; (b) take into account the natural boundaries within the Cayman Islands; (c) have regard to existing [electoral districts];**".

Key!

That is where he has failed to explain [section] 89. And then in [section 89](d)(ii): "**Cayman Brac and Little Cayman shall (between these two islands) at all times return at least two members to the Legislative Assembly.**"

Now, Madam Speaker, we know that Cayman Brac has a special carve out. And that is true; Cayman Brac does have a special carve out. And it has less than 1,000 electors. So, if the Premier and his Government are looking to make electors equal in this

country, is he proposing to change the Constitution [so that] Cayman Brac only gets one too? That is all he has to say. Because, Madam Speaker, whether you vote one person and the first two past the post, or we split it in two, it is less than 500 electors *per member* for Cayman Brac.

Now, the Constitution has put the minimum already. I heard the Premier say in the press briefing—a credit to him—that it will be a long time . . . or, let me not say a long time, but it will be a while, before East End, North Side and Cayman Brac, or the two constituencies for Cayman Brac [and Little Cayman], will get higher—like 1,100 per representative. I will be a while. He agreed to that. And I applaud him for agreeing to that.

But all of a sudden Arden is afraid. I wonder who—

**The Premier, Hon. Alden McLaughlin:** People come and tell me I must ease you up.

**Mr. V. Arden McLean:** Oh my God. You say people come and tell you to ease me up?

**The Premier, Hon. Alden McLaughlin:** Your friends.

**Mr. V. Arden McLean:** My friends? Okay, Mr. Premier, I am grateful for your generosity. But I promise you this: We shall meet on the battlegrounds. And only one comes out of that (that is, East End), not six, not four, not two.

So, Madam Speaker, they . . . and I am going to get to all of my stuff, Madam Speaker, I have two hours. But, Madam Speaker, I want to explain to the country too, the same way the Premier did. And I appreciate him for that. You saw me sit here and I didn't say anything; that is fine.

Madam Speaker, the Premier said that the one principle about leadership that the Member for North Side and I do not understand, is that you have to have people following you to be a leader. I understand that, Madam Speaker. For the benefit of the Premier, I very well understand that principle.

The principle in leadership that he does not understand is that he needs to step forward and say what he is doing so that the people can believe him, so that the people can trust him, because, in the absence of trust in a leader, any country fails too. He said we are going to create . . . he said, chaos. Is that the word he used? In the absence of trust in a leader we create anarchy. That is what happens.

Now, let us talk about trust. If today someone does not trust you—your spoken words—later when they test the veracity of your words and find them to be true, then that is how trust is developed. If they can't, and the veracity of your words is proven to be false, you have lost. You have lost the principle of your leadership.

Madam Speaker, the reason the Member for North Side and I brought this Motion, is because, on

the day of the press briefing I was on the "For the Record" radio talk show, and he read out that it had just been received and he asked me my opinion of it. And, Madam Speaker, I said to him that I was cautiously optimistic because I know . . . I have been around here long enough too. The same way the Premier claims to have been here, he and I were elected on the same day, the 8<sup>th</sup> November 2000.

What the Premier said in the press briefing in response to questions is not what this Motion he brought down here says. You remember I spoke to veracity? You remember we talked about veracity a while ago? And I welcome anyone to compare those two, because he was talking about 18 single member constituencies at the press briefing and it is not here. Ah, we have 18 seats to put it in here. Precisely! We will come to that, Mr. Premier.

My good friend, I am coming to it. Don't worry I ain't leaving you behind. We are going to be right there together, just like we have always been.

Madam Speaker, the Premier said this is about that the Member for North Side and I have been concerned about . . . or expressing . . . (let me get it right, Madam Speaker, because I wrote it down) . . . expressing the possibility of single member constituencies breaking up . . . that it will break up parties (the implementation of single member electoral districts). And that if the Member for North Side and I want to exist for a long time (I think the words were), we need to join a party or make a party. There are a couple of things I need to say to the Premier before I move on: 1) I was a party man before him; 2) I ain't joining UDP; and 3) this third option is wide open for me.

Let me explain why I was a party man before him.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** The other option was creating one. Try to remember now. I know you have a short-term memory, not a long term.

Madam Speaker, I was elected on the 8<sup>th</sup> day of November 2000. On the 10<sup>th</sup> I met Roy Bodden and Gilbert McLean right here by this building as I was coming from the Tower Building. And they invited me to a meeting at your house, Madam Speaker, in Prospect that night. Watch how the long-term memory is good.

Madam Speaker, there is no need for us to go through all of that detail as to what transpired. Suffice it to say that by the following Saturday everything was flat as face [SOUNDS LIKE], the horse trading. And the Premier and my good friend the Minister of Works, the Honourable Kurt Tibbetts, went and joined with McKeever, the Leader of the Opposition.

Over the next few days it was all up in air. This country did not know where it was going, how it was going and why it was going.

Madam Speaker, we were scheduled to be sworn in on the 15<sup>th</sup> of November 2000. Madam

Speaker, I am not going to forget this because this is forever etched in my mind. On the Tuesday night the remnants of that first group had a televised meeting on the steps of the Court House: Dr. Frank, myself, Gilbert, your good-self, and Lyndon [Martin]. We were the little stragglers. I was a new man on the block, new rookie.

Madam Speaker, that night, of course, everyone wanted me to get up and speak first. And I did. Madam Speaker, on national television in this country I said to the people that I was going to start representing in these hallowed Halls the following morning at 10:00 am. I said to them that the only thing that was going to stop this horse trading was party politics.

When I came down Dr. Frank said to me “that’s the end of your political career.”

What? See where I am 14 years later?

*[Inaudible interjection]*

**Mr. V. Arden McLean:** What are you saying, *gone*?

*[Laughter]*

**Mr. V. Arden McLean:** Madam Speaker, so I just wanted to remind the Premier that I have always been a party man.

Early in 2001 when this legislature voted to remove my good friend . . . in late 2001 . . . let me tell you when it was. It was on the anniversary date of the election day November 2001. Since you don’t remember, I do.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** What I said earlier?

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Oh, my good friend, and my dearly departed good friend, the Honourable Edna Moyle. When everybody sat in here . . . I believe you were the only one that abstained, you know, Madam Speaker, from that vote.

*[Laughter]*

**Mr. V. Arden McLean:** Anyway, Madam Speaker, I told them I didn’t vote to put them there and I was not voting to remove.

Anyway, Madam Speaker, shortly thereafter, by early 2002 that is (February, March), the then “Leader of the Opposition,” my good friend from Northward said that we needed to deal with something and try to organise something if we were going remain in politics. As founding Members of that party—there were five of us: the Premier, the Minister of Works, our dearly departed friend, the Honourable Edna Moyle, and our good friend, the First Elected Member for

Bodden Town, and Ms. Lucille [Seymour] (outside the parliamentary membership).

So, the Premier must understand that I understand the concept of parties and their value. There is no way single member constituencies will every kill the party. To the contrary, it feeds it in many instances. But I am saying it is also better for the country. And there is also the possibility that other people can get elected.

Now, he said that I could get elected in East End on 200 to 300 votes. I wonder how much you can get elected in Cayman Brac with when you split them up. Madam Speaker, we would have to change the Constitution. Everything is carved out in here, even for George Town it is carved out. For every constituency it is carved out. Now if he wants to show leadership, he needs to step up and say he wants to change the Constitution. And it is no simple change, because the Deputy Premier on top of you and you are going to have the Speaker on top of you about changing Cayman Brac.

So, Madam Speaker, the Premier needs to . . . I say to you, he has lost his way in his deliveries. He needs to stop it. He knows better, you know, but everything is about the Member for North Side and me.

Now, Madam Speaker—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Yeah.

You know, I don’t know, Madam Speaker, where that courtroom thrust that my good friend, the Premier, had, has gone. I don’t know. I don’t know if he has passed it over to the Attorney General . . . but there are so many lawyers on that side now, maybe they have all taken a little piece out of him.

Madam Speaker, he and I will go down in history in this country as the best in this country in recent history together! We were like peas in a pod. Together we dealt with anybody on that side. All of a sudden now, because I am here and he is there, there is a problem with me bringing anything. That can’t be right, Madam Speaker. He needs to stop that. He needs to give that a break.

And, Madam Speaker, he knows that I am right. He knows that when he says we should not be here on this debate, he knows I agree with him. There is no need for all of this wasted legislative time. It is a waste of legislative time—a colossal waste of time.

My only way of the holding the Government’s foot to the fire is to put motions in. That’s it! If the Government is mindful, they accept it or they don’t. How was I to know what position the Government was taking, Madam Speaker, but to put that motion back in? I didn’t know. They had since January, and nothing was said, nothing was done. I think it was the 28<sup>th</sup> January or something like that, that it was . . . I like the emphasis on defeat that he continues to talk about. It was not so much of a defeat.

Madam Speaker, I re-submitted it with a few changes—he cannot say it is identical with a few changes in the recitals—and then the Government comes back with this. So, Madam Speaker, in my response to that was to try it and see if we could sit and remove both motions from the Floor of this honourable House. And I made efforts to try and do that.

Here we are today when those three little Bills we have . . . we could have come here in one day and they could get back up there and do what they have to do.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Yeah, but we have ten Private Members' Motions, but so what? They are not going to take very long.

Hear ya now, I debating foolishness. Wait until he gets back up.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Well, you know I have another shot at this, Alden.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** I know he has to wind-up on that Motion, but I got on the floor that I have to wind-up on too.

That is the problem; we don't need to be this back and forth. We should never have had to be here. The Premier in his position as the Premier could have invited the Governor to appoint a commission. What would I have been able to do with my motion then? Still ask you [SOUNDS LIKE] for three months? I would have had to withdraw it. But I tell *unna* it is about the Member for North Side and me. That's all it is about. He just explained that.

Leadership means people are behind you. When you are going down the road, when you look back, that means people are behind you. He just explained that. That is one of the principles. Don't allow him to put blindfolds on you whilst you are following him. That's the key. You must have your eyes wide open when you are following. That's the problem with me—I had mine open!

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, the Premier says that my motion was not any good because I know he could not amend the Elections Law.

Madam Speaker, by now everyone knows I keep paper, right?

CNS [*Cayman News Service*] posted on Wednesday, July 3<sup>rd</sup> 2012 at 8:05 in "Politics". Go and look for it. "Just Change Election Law".

"Opposition Leader, Alden McLaughlin, who has previously noted that there may not be enough

time to hold the referendum before the 2013 election and to educate the voting population on the new system, has said that he agrees wholeheartedly with this position." [UNVERIFIED QUOTE]

**The Speaker:** Member for East End, do you have a copy for the Speaker? If not, once you—

**Mr. V. Arden McLean:** We can get—

**The Speaker:** —conclude.

**Mr. V. Arden McLean:** Yes.

**The Speaker:** Thank you.

**Mr. V. Arden McLean:** "He told CNS that if the Premier moved straight to change the Election Law, there would be more than enough time to ensure the country is prepared and voters understanding that they will be voting for just one candidate from the list; in consideration, smaller constituencies in the case of West Bay, Bodden Town and George Town." [UNVERIFIED QUOTE]

Now it was okay for him to say that in 2012, and here I came here in January 2014 and it is not okay.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** We did that. We understood.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Keep digging?

Madam Speaker, the Premier [is talking] about we didn't have the increase in electors.

Now, Speaker, let us talk about the electors.

Where are those electors? There has an increase in East End, there has been an increase in Cayman Brac, has been an increase in North Side, has been an increase in Bodden Town. Throughout the whole country we have had increase in electors on the register.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** What are you talking about three in East End? The last election it was 598, or something like that. It is over 600. It was 644, and I believe two passed just before. At the time of the election I am talking about.

Madam Speaker, this Motion that the Government has here is asking this legislature to agree to invite the Governor to appoint a commission in accordance with section 88 of the Constitution. Now, Madam Speaker, there has never been a need to bring such motion to this legislature. On the two previous occasions it was done by Order in Council and the Governor in his own discretion appointed the peo-

ple. There was never a need to bring it to the legislature to a point to ask the Governor to appoint. The Constitution does not contemplate the need for the legislature to ask to invite the Governor.

The fact is, Madam Speaker, everyone in this country knows the position Mr. Miller and I have taken. We want it. Whether the Premier says that the motion was right or not, he knows what the intent was. It was the same thing—to change the Election Law. And then we will have 18 in there and then we go to wherever we have to go to get it done. Section 60(2) only increases the membership. But, Madam Speaker, we have never had a need to bring it here. Everybody knows what Mr. Miller's and my position has been over all the years. On January 28<sup>th</sup> we found out the position of other people, including some Members from the other side (and I am not criticizing them), and also Members of the Opposition.

By July/August this year the Premier announced that he has consensus. That means everybody on that side is on board. That means he can count on the two of us as well. And then he can count on the Deputy Leader of the Opposition and the [Fourth] Elected Member for West Bay. They voted for the Motion. Or we can assume he can count on it.

Now, the Leader of the Opposition ran the last time and he has publicly said *he is not* supporting it. So we can leave him out for a minute. In this case, he is what Connor was in Mobile. The only other Member of this Parliament, elected—I see the Attorney General looking—the only other elected Member of this Parliament is the Speaker. And the Speaker has no right to make public utterances on issues of this matter. There is no place for the Speaker to make those utterances. That is no disrespect to her; that is how it works. So, that is the only one that we do not know what the position is.

Why are we bringing it here? Unless, the Premier does not trust some of his people. I trust the Member for North Side; that he is going to stay with me. And I appreciate, Madam Speaker, if the Premier wants this Motion to be for all of us to vote on it, I will vote on it. However, Madam Speaker, they need to say 18.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Pardon me.

**The Speaker:** I was just going to seek . . . your debate is in such a fashion that I didn't know whether you were debating the amendments or whether you had made a transition back to the Motion. I would ask you to stay on your amendments if you could, please.

**Mr. V. Arden McLean:** Madam Speaker, I keep telling the Premier that he and I came here the same day.

*I saw you!* You know we did this before, my good friend.

Madam Speaker, there is no need for a motion to come here asking us to agree to invite the Governor to carry out the responsibilities that are whole and solely hers and we do not say what we are asking her to instruct the commissions to review.

Their terms of reference, Madam Speaker . . . is the Governor . . . and, Madam Speaker, I am going to show . . . I am going to show, Madam Speaker, what I mean by that.

Madam Speaker, I hear them out there about substantive motion. Madam Speaker, how am I going to debate the amendment unless I talk about the substantive Motion? Because I am amending it.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** No. I am responding to the things you have said. Don't think you are getting away with them.

Madam Speaker, the mandate of the 2010 Commissioner was . . . and I read from it: **“The 2009 Constitution establishes the EBC whose general role is to review the electoral district boundaries and submit a report to the Governor and the Legislative Assembly consisting of eighteen elected members. More specifically, the EBC is required to:**

- **Review the boundaries of the electoral districts into which the Cayman Islands are divided;”**

**“Interpretation of the Mandate”**

**“Unlike the terms of reference (TOR) of the 2003 EBC which required that the Cayman Islands should be divided into seventeen single-member constituencies, the TOR of the current EBC requires the EBC to review the electoral district boundaries and submit a report to the Governor and the Legislative Assembly containing its recommendations for changes in the boundaries of the electoral districts with a view to the Legislative Assembly consisting of eighteen elected members, . . . ”**

Madam Speaker, the Mandate from 2003 was: **“The Electoral Boundary Commission appointed under section 28B of the Constitution is required to submit a report to the Governor, as soon as practicable after its appointment, recommending the boundaries of seventeen electoral constituencies into which the Cayman Islands should be divided with a view to each such constituency returning one member to the Legislative Assembly.”**

Madam Speaker, the key is that they were given a term of reference for a specific amount.

Now, Madam Speaker, we talked about them having a mandate to do? Madam Speaker, I am going to draw the Government's attention to some of the areas that these very people in 2010, when they were the same EBC, in their 2010 report, talking about the

public meetings where they drew their information from and determined their final report.

On page 8 when they were listing all of the things they received, some stakeholders expressed fear that the even number of 18 elected [Members] might create a hung legislature. Madam Speaker, what I am saying is, theoretically, if they had the mandate they would have acted upon that and recommend an increase in parliament. But, Madam Speaker, if we are not recommending and increasing in the membership of the legislature, then there is nothing wrong with putting 18 into it.

Madam Speaker, let's move on to the fifth "Whereas" in the Premier's Motion, which reads: **"AND WHEREAS section 60(2) of the Constitution provides that a law made under section 59(2) may increase the number of elected members of the Legislative Assembly; but no such law shall come into force unless an order by the Governor providing for the electoral districts and their boundaries to take account of the additional elected members in accordance with section 89 has been made;"**.

Madam Speaker, what the Government is doing is introducing a new discussion, a discussion that only this Parliament has the authority to do. And there is a particular process for that. That is, Madam Speaker, to make a law it has to have discussion with in the public. Here we are with the Government introducing it into a motion that the Government is asking me to vote on to approve to invite the Governor to carry out her responsibilities. Why are we talking about the making of a law to increase the membership?

Madam Speaker, the Premier went to great lengths to read [section] 59(2). And 59(2), as the Premier read, says: **"Subject to this Constitution, the Legislature may make laws for the peace, order and good government of the Cayman Islands."**

Now we have to satisfy one of them for us to be able to make a law.

Section 60(2) says: **"A law made under section 59(2) may increase"** (not decreasing. Nobody is worried about decreasing—*may increase*) **"the number of elected Members of the Legislative Assembly. But no such law shall come into force- . . ."** and then it goes on to the point about the Commission and the Governor and stuff.

Madam Speaker, is this Government proposing to increase the membership of this Legislative Assembly? That is the question.

Madam Speaker, the Government has now introduced it into their recitals. Why? Why, Madam Speaker? Somebody needs to tell us why.

Why are we moving towards talking about, and now making this Parliament debate, a section of the Constitution which gives the Members the authority to propose and increase? Is this for the benefit of instruction to the Governor? Is that what this is for?

Madam Speaker, the Premier talks about . . . and then, may I just go on, on that, Madam Speaker? In my third proposal, it says "in the final Whereas by

deleting 'and proposed changes in the number of elected Members of the Legislative Assembly.'"

Madam Speaker, where has there been a proposal? What proposal do we have? If the Government has been doing this, they need to make the public know. There has been no proposal for increase or changes in the number of elected Members of the Legislative Assembly. We are 18 right now. I would appreciate if all in the Government were to get up and say what their position is on this matter.

Madam Speaker, how do you justify your resolution unless it is in your recitals? How do you justify your resolution? How do you come to a resolution unless there is a cause for a resolution, a reason for a resolution? Is that how it is done? So we can just bring resolves here?

Madam Speaker, I have a fundamental problem with having to vote on a resolution, agreeing to instruct or invite the Governor to do a particular thing that we have not introduced. We have done nothing with it.

Now, under section 59(2) we agreed to that during the last discussion on the Constitution. And the Premier was on board with it. As a matter of fact, we had proposed 17, and when we found out it was going contrary to the two-fifths rule of Cabinet (being two-fifths of the full membership) we had to increase it to 18, thus the equal number.

The Premier made it very clear that it was going to be extremely difficult for us to propose to get three, much less four. That's why we could not go to 19. But all of a sudden now it appears as though we have changed that and we want to go to 19. I don't know because I don't know what the increase is going to be. I don't know.

#### POINT OF ORDER

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, on a point of order.

**The Speaker:** Honourable Premier, what is your point of order?

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I know you are giving the Member for East End considerable latitude, but he really is not entitled to claim, based on this Motion or on anything I said, that this Government is proposing 19 seats. He needs to stop chasing ghosts, because there is no such proposal in the Motion, and the resolution speaks not at all to any increase in membership.

Whatever is going on in his head is fine, and perhaps you will let him say it. I just wish that he would not attribute it to me or to the Government's Motion.

**The Speaker:** Member for East End, please refrain from specifying a number of the increase as there is no implied or direct resolution in this particular Motion.

**Mr. V. Arden McLean:** Madam Speaker, since that is your ruling, can someone then tell me why is that fifth Whereas in these recitals?

Why?

Why is it that the Premier . . . and he is talking about whatever is going in my head. What is going on in my head is the lack of trust. That is what is going on in my head. And I need to open it up on behalf of the people of this country. That is what is going on in my head. I ain't mad either! *Unna* would love to spread that but *unna* won't spread that one. I ain't mad!

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Lack of trust. Can't trust *unna*. *Unna* decide which one I can't trust.

Madam Speaker, I didn't specify that there was any 19. I said *during the talks*. And, Madam Speaker, I can prove it.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, I did not say that we wanted 19.

Madam Speaker, I said we proposed 17 and the now Premier, at that time said we were going to get kicked back for 3 much less 4. At that time the Parliament was 15.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** I want to know if we are now going to 19 or whatever the case may be.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, I don't have to propose it. All the Premier needs to do is to take out that section which discusses [section] 60(2) that is about increasing.

And then, in the last 'Whereas' it, again talks about the electoral boundaries reviewing changes in the number of elected Members of the Legislative Assembly, the proposed changes. I want to know where they are. Whether that is up to 19, or whether it is 1, 2, 3, 4—I don't know. But I want to know where these proposed changes in the number of elected members of the Legislative Assembly come from in these recitals.

**The Speaker:** Member for East End, is this an appropriate time for the luncheon break?

**Mr. V. Arden McLean:** thank you very much.

**The Speaker:** We shall now suspend for the luncheon break and will convene at 2:30 pm.

**Proceedings suspended at 12:30 pm**

**Proceedings resumed at 3:02 pm**

**GOVERNMENT MOTION NO. 1/2014-2015—  
CAYMAN ISLANDS CONSTITUTION ORDER 2009  
(ELECTORAL BOUNDARIES)**

*[Continuation of debate on proposed amendments thereon]*

**The Speaker:** Please be seated.

Proceedings are resumed.

I invite the Member for the district of East End to continue his debate.

**Mr. V. Arden McLean:** Madam Speaker, thank you.

Madam Speaker, I would like to turn briefly to section 89, which is the genesis of this Motion, Madam Speaker, for the appointment of the EBC and the review of the electoral boundaries.

Wherein section 89(1) says (and the Premier read in his presentation of the Motion): "**An Electoral Boundary Commission shall, as soon as practicable after its appointment, review the boundaries of the electoral districts into which the Cayman Islands are divided and, taking into account the changes or proposed changes, if any, in the number of electoral districts or of elected members of the Legislative Assembly . . .**"

Now—

**The Speaker:** Member, you have one hour remaining.

**Mr. V. Arden McLean:** Thank you, Madam Speaker.

Now, Madam Speaker, the Premier and the Government have one interpretation of that. With all due respect, we have a different one. Madam Speaker, that it how this thing called law goes eh? You put 10 lawyers in a room and you are going to get equal amount of opinions or more.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Yes, if you put those that don't have any legal training you will get the *practical* interpretation of it.

*[Inaudible interjection and laughter]*

**Mr. V. Arden McLean:** You're not quicker than me, old boy.

Madam Speaker, I respectfully submit that it talks about their mandate. Their terms of reference comes from whether or not there are changes proposed in the number of electoral districts, and/or the number of members of the legislature, if they are proposed.

Now, Madam Speaker, it does not say that they have to have both. But in the instances where you change, or you propose to change, the membership, you will have both. In this case, supposedly we are not changing the number of members of this legis-

lature, which is, we cannot reduce it (like the Premier said). I believe he said “at a minimum” it must be divided into 18 districts, which is true.

If there is a proposed change to increase, that is done under section 60(2). So, here we are. We have 18 members now, and we are proposing 18 single member districts—one person, one vote, equal suffrage. That is all they can look at. It does not say that their remit allows them to change or propose to change the membership. Only the legislature can propose an increase in membership. Only this legislature can do that under section 60(2), and it must conform with 59(2). So we, as legislators, have a carved-out provision in this Constitution, which we cannot go outside of, to be able to propose an increase in the membership.

Madam Speaker, that restriction that we have on us is that, as legislators, we must make a law under section 60(2) to propose an increase, but it is subject to section 59(2) which says: **“Subject to the Constitution, the Legislature may make laws for the peace, order and good government . . .”** So, we must satisfy at least one of them for every law that is made in here. Because remember the Legislature consists of Her Majesty (the Queen) and a Legislative Assembly. That is what the legislature is made up of. So, in order for that legislature to make laws, it must satisfy one of the three requirements—peace, order and good government.

Now, if we decide in here and debate, we decide if the Government does (hypothetically here now, Madam Speaker), that there is a need to put more people in Cabinet, like we did during the discussions on the Constitution between 2006 and 2008, that there was too much work for five members in Cabinet . . . Madam Speaker, all of us were on board with that, including the Leader of the Opposition and his entourage that was on those talks. We all decided that five members of parliament were not enough to carry out the good government of the Cayman Islands. So, we agreed to increase it. The PPM proposed it by two. We eventually wound up with three. So, we satisfied that section.

It was in the words of the Premier, “heavily canvassed” throughout the country about the increase. So, there was an Order in Council to have a boundary commission appointed to see how that would go. The same way now, there is no longer a negotiation on modernising the Constitution, so the responsibility falls on this legislature. If there was a need for an increase, the leadership of this legislature must propose it in the form of a law.

To do a law in this country, Madam Speaker, it has to go through all of its stages. And one of the stages is that it must be gazetted 21 days prior to coming to this legislature. And we know the reason for that is so that the public can have their input with their representatives and the likes and the likes.

Madam Speaker, all of us will agree that the only way a change can come about in the member-

ship of this legislature is if it makes a law. There is no maybe or perhaps about that. Before that law is enacted (i.e., the Governor assents thereto, and it is gazetted), the Governor has a responsibility to appoint a commission.

Madam Speaker, the Constitution is very clear, and that is what it says. [Section 60(2) says:] **“A law made under section 59(2) may increase the number of elected members of the Legislative Assembly; but no such law shall come into force— (a) unless an order by the Governor providing for the electoral districts and their boundaries to take account of the additional elected members in accordance with section 89 has been made; and (b) until the dissolution of the Legislative Assembly next following the enactment of such law.”**

So, that would be in 2017. Then you could increase it, if we were doing that now. So, the next election would be run on the increased amount.

Madam Speaker, the order under 89(6) that the Premier talked about [says:] **“If any draft order [laid]”** (that is from the Governor) **“under this section is approved by resolution of the Legislative Assembly, the Premier shall submit it to the Governor who shall make an order (which shall be published in a Government Notice) in terms of the draft; and that order shall come into force for the determination of the boundaries of the electoral districts to which it relates upon the next dissolution of the Assembly after it is made.”**

So, the only time 60(2) can come into play is when the legislature proposes an increase—no decrease, an increase—in the membership of this legislature. Thus my question as to why it has been brought into this discussion surrounding single member electoral districts. And my further question is: Why is the word eighteen not in there? There are no proposed changes for it.

What are we agreeing to invite the Governor to appoint? Are we going to invite the Governor to set up a commission of three people, one appointed by the Governor, one appointed by the Premier and one appointed by the Leader of the Opposition? Are we going to invite her to appoint these people to draw lines from the mango tree down to the grape tree and back over to that coconut tree? What is the purpose of it?

What is the purpose of this debate, when it is obvious the boundary commissioners cannot recommend changes to the legislature? All it can do is review the boundaries proposed, and the elected membership proposed that comes from section 60(2) of the Constitution.

*If there are any, it says—if there are any proposals.* So, the only proposal that is on the table at this time, at this juncture in this legislature’s history, is to change the electoral districts and increase them to 18. Why, then, can we not put 18 in it? That is the question. And until that question is answered we are spinning our wheels in the mud here.

Madam Speaker, I have to address the Premier. He asks why I did not put 18 in mine. Two of them I filed without it. He stood up here and beat me in January, and didn't see that. Because he understood precisely what it said, he understood what it meant. But he also understood when he was in Opposition that the Government of the day he was pressuring to pass the law—to *pass the law*.

The Premier also understood, then, that it was a simple change of the Elections Law. But he didn't say how many then either. I trust that we all remember that.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Oh, it is not necessary?

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Well, if it is not necessary for me now, it was not necessary for the Premier in 2012 either.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Because he was the one who went to the papers and gave big interviews to the papers, because that would make him look good, you see, in the eyes of the electorate and jump on to that bandwagon of One Man One Vote Committee.

Madam Speaker, we need to stop playing with this thing. We know—all of us know—that there is a process to change the law. Every one of us knows that. So, my motion was calling to change the law to reflect single member constituencies whether it is . . . it had to be 18, because that is the membership. But the process to change the law requires it to be in line with what the Constitution calls for.

But, Madam Speaker, I understand that they are saying it is the same here; it is not going to change. But this is not a law. This is a motion asking me and the Members of this legislature to agree to invite the Governor to appoint an electoral boundary commission.

Madam Speaker, it says in the last Whereas: **“AND WHEREAS due to such large increase in the number of registered electors (from 2010 to date)”** (no problem) **“there is a need for an Electoral Boundary Commission to be appointed to review the boundaries of the electoral districts into which the Cayman Islands are divided”** (agreed) **“taking into account the significant increase in the number of registered electors”** (show me where that is in the Constitution) **“proposed changes in the number of electoral districts . . .”** That proposed change has come as a result of all of us now deciding that we want single member constituencies, or single electoral districts. That does not come for the Constitution. **“. . . and proposed changes in the number of elected members of the Legislative Assembly;”**

Now, where did those proposed changes for the increase in the elected members of the Legislative Assembly come from? And what are they? We need to know. Because poor old me over here, I have not heard it before. But what we seem to be doing is hoping that the boundary commissioners come back with that. You direct the boundary commissioners in the terms of reference as to what you expect them to do, just like the other two were directed. *We want you to look at splitting the country up into 17 single member constituencies; that was 2003. In 2010, we want you to look at the inclusion of three more, making the Legislature 18.*

We did not give them any confined remit or TOR to say specifically “single member constituencies,” so they came back with three proposals, Madam Speaker, on how they think we should do it. One of them was single member constituencies, splitting it into 18, which meant Cayman Brac was going to be split into two.

Am I right or not, Ezzard?

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, it then languished at the Governor's office for over a year. And, agitation by the Leader of the Opposition (who was and now is the Premier), the Member for North Side and I, the Government brought a draft order. The draft order says:

**“Whereas in accordance with the 2009 Constitution an Electoral Boundary Commission (EBC) was duly appointed;**

**“And Whereas the EBC has reviewed the Electoral District Boundaries of the Cayman Islands and submitted its findings thereon to the Governor and the Legislative Assembly in June of 2010;**

**“And Whereas the EBC has recommended in its report that the number of Members of the Legislative Assembly be increased to 18, broken down by electoral districts as follows:**

- West Bay – 4 elected members
- George Town – 6 elected members
- Cayman Brac and Little Cayman – 2 elected members
- Bodden Town – 4 elected members
- North Side – 1 elected member
- East End – 1 elected member

**“And Whereas His Excellency the Governor has now drafted an Order to give effect to these recommendations;**

**“And Whereas the Premier as required now lays this draft Order before the Legislative Assembly for its approval;**

**“Be it now therefore resolved that the Legislative Assembly hereby approves the draft Order of His Excellency the Governor, and that the Order then be subsequently made in terms of this draft,**

**so that the changes in representation in the Legislative Assembly, and determination of the boundaries of the Electoral Districts as provided therein, will come into effect upon the next dissolution of this House.”**

It was moved by the Hon. W. McKeever Bush. And, it was received by the Clerk's Office on the 8<sup>th</sup> day of April 2011.

Now, Madam Speaker, of course, the then Leader of the Opposition (now Premier), the Member for North Side, and myself (being the troublemakers we were) recognised—and Minister you know this is true sir. We recognised that the draft Order, which was attached in the form for the determination of it, had 18 single member constituencies in it. The three of us recognised that, and the troublemakers we are, brought it to the attention of the Government and they withdrew it. The three of us did that.

So, Madam Speaker, my argument is that the EBC could not go outside what they were told; what their remit was; what their term of reference was. Their term of reference was to look at it. They never once talked about increasing the membership. They were told 18.

Madam Speaker, I hear her saying ‘nonsense’ over there.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Oh Lord, Madam Speaker, that Premier . . . only he speaks anything of any sense ‘bout ya! All others speak rubbish.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Listen to who? Kurt? You keep him out of this now. This is mine and your little problem.

*[Inaudible interjections]*

**Mr. V. Arden McLean:** Madam Speaker, the terms of reference in 2003 were by Order in Council laid before parliament (not ours). It was **“Made the 12<sup>th</sup> day of June 2003 - Laid before parliament on the 24<sup>th</sup> day of June 2003 - Coming into force in accordance with section 1(4) at the Court at Buckingham Palace, the 12<sup>th</sup> day of June 2003. Present, The Queens Most Excellent Majesty in Council.”**

**“This Order amends the Constitution of the Cayman Islands to enable an Electoral Boundary Commission to make recommendations on the establishment of seventeen single member constituencies for the elections to the Legislative Assembly.”**

Okay.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** We did that one and I am not a lawyer but I will read a bit. Okay?

Do you need a copy of this one too Ma'am?

*[No audible reply]*

**Mr. V. Arden McLean:** Okay.

Madam Speaker, in preparing for the eventual enactment of the Constitution in 2009, part of that approval on England's part was to make an Order in Council in 2009, which said: **“Electoral Districts. As soon as practicable after the appointed day”** (that is, the appointed day of the Constitution)—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** No, no, the appointed day was before that.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** —“**which was made on the 10<sup>th</sup> June 2009, laid before parliament on the 17<sup>th</sup> day of June 2009 at the Court of Buckingham Palace, the 10<sup>th</sup> day of June 2009.**” It was enacted after on the 6<sup>th</sup> November, I think, in 2009.

Madam Speaker, the Order in Council at that time in 2009 was: **“(1) As soon as practicable after the appointed day, and before the Legislative Assembly is dissolved in accordance with section 7(3), the Governor shall appoint an electoral Boundary Commission in accordance with section 88 of the Constitution.”**

**“(2) The Commission so appointed shall, as soon as practicable and in accordance with section 89 of the Constitution, review the electoral district boundaries and submit a report to the Governor and the Legislative Assembly containing its recommendations for changes in the boundaries of the electoral districts with a view to the Legislative Assembly consisting of eighteen elected members.”**

Now, Madam Speaker, . . . I guess you need a copy of that too. I got one here.

Madam Speaker, I want to know where in there we have said anything about increased membership. Somebody needs to tell me that. We had already decided that there was going to be an increase to 18. It is now 18. We need not talk about increase. We need only talk about the 18 that there is. And we are splitting the country up into 18 electoral districts.

That is why I am questioning, Madam Speaker, as to why we are not putting the number in there. And why are we talking about the possibility that the Electoral Boundary Commission could come back with that?

We don't need to ask them. We give them a specific job, and that is it. Why do we need them to propose changes to the membership? We don't! There is absolutely no need for it, Madam Speaker.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** That is precisely why we need to do it. We need to say 18 so that no one will be fooled. The country will know that it is 18. That is the commitment each and every one of us, with the exception of [what] the Leader of the Opposition made. Eighteen electoral districts.

Madam Speaker, I wonder why . . .

*[Inaudible interjection]*

**Mr. V. Arden McLean:** The Premier asks where it is written.

I wonder why he signed that petition. I wonder why he signed that petition for the referendum. Bring one copy of it *ya* to make me read it *ya*.

**Mr. D. Ezzard Miller, Member for North Side:** I don't have any with me.

**Mr. V. Arden McLean:** Why?

**Mr. D. Ezzard Miller:** Will bring it tomorrow though.

**Mr. V. Arden McLean:** Why they don't want all of those young budding politicians, at the time, sign the petition? Why?

It said 18. That is what it said. Are we forgetting or what? Medium-term memory gone too.

Madam Speaker, that is what we have been talking about since 2011/12 when this discussion started about electoral reform. We have never, never talked about an increase in membership, but the Government is introducing it now.

Madam Speaker, the Government is introducing the discussion by virtue of the fifth 'Whereas'.

Somebody said it facilitates the purpose of debate at this stage. We have not even considered debating this thing.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Oh, I've been at it for two hours. Your—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Yes, to stop you.

**An Hon. Member:** Soon have to sit.

**Mr. V. Arden McLean:** Yes, I soon have to sit and then I will be right back up at *ya*.

Don't think *unna* getting out of here until *unna* tie light around *unna* head tonight. [SOUNDS LIKE]

Madam Speaker, the Government needs to tell to us. And, our only objection to this Motion being laid, are those things.

*[Inaudible interjections]*

**Mr. V. Arden McLean:** Madam Speaker, there is no need to have anything in this Motion about increase in membership. And it is represented twice in it. There is no need to have it there.

What is the objective of the Government? That's all we are asking. If this is the beginning of that discussion, make us know. But we cannot rely on a boundary commission to come back to say that there should be an increase in membership when it is our responsibility to be leaders and get out there and tell our people that we are going to increase it. We cannot do that! It is wrong! It is downright wrong!

That is what leadership is about. Take the licks! Take full responsibility and say we need to increase the membership of this Legislature. Let's not wait for . . . or we hope that a boundary commission can do it. We cannot do that because [section] 89 does not allow them to do it. It says if there are any proposals for change. And there is a proposal for change now, to change the number of electoral districts—but not the number of members of this legislature, not the composition of the legislature.

Madam Speaker, I'll even concede, in retrospect, the last motion I am asking about before the 30<sup>th</sup> June. I'll even concede that, because I understand there are times when we won't be able to say exactly . . . we don't have any control. I agree with the Premier.

However—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Remember how I used to provide all of those books for you too? You remember that Kurt?

Right?

For him.

**Hon. D. Kurt Tibbetts, Minister of Planning, Agriculture, Housing and Infrastructure:** Oh.

**Mr. V. Arden McLean:** You remember?

**Hon. D. Kurt Tibbetts:** I thought you were talking about for me.

**Mr. V. Arden McLean:** No, no, no.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** That's why you won the election and become Premier.

Madam Speaker, in the appointment in The Constitutional Commissioners on the 15<sup>th</sup> day of June 2001, the Governor, Stuart Jack, wrote to Mr. Benson [Ebanks], Mr. Arthur Hunter and Mr. Leonard Ebanks. I am not going to read all of the appointment letter, Madam Speaker. I will just read the penultimate paragraph:

“You should aim to complete the report by the end of March 2002, if at all possible. The importance of this exercise is such that where necessary, an additional month could be granted. I should welcome an interim report of progress by, say, the end of October. And, of course, the FCO Constitutional Adviser, Michael Bradley, is at your disposal for any advice or clarification that you might need.” [UNVERIFIED QUOTE]

I read that, Madam Speaker, to say that we can put timelines on these commissions—reasonable. He was giving them nine months (June, July, August, September, October, November, December, January, February, March) with one month more, if needed. These are the types of things we need to do, because, if not, it is just going to languish someplace and we will never get it again.

We need to come up with commitments. We need to come up with timelines on these things or we are going to be left the same way we have always been left with these legislative directives or executive directives that mean nothing. And since we are all committed to it, let us prove our commitment and do it in order that we know we have some control over the timelines. Provide the resources for the commissioners in order that they can get it done within that reasonable timeline with provisions for some flexibility built in to ensure we do not rush them, but at the same time they can work and get the job done.

Madam Speaker, we are not asking much. We are saying that, yes, we are changing the electoral boundary districts. But let’s say what we are changing them to. Let there not be any question or any doubt as to what the intent of this Motion is. Right now it is left up in the air and nobody knows precisely what to expect.

I am going to allow the Government to answer to these amendments, and it will be interesting to hear that all of the Government supports these amendments, because that is what this country can expect. Whether there is a difference in interpretation or not, Madam Speaker, we need to hear why the Government is proposing this without a definitive number and a definitive timeline, but, more importantly, a definitive number of districts that the country should be carved up into.

Thank you very much, Madam Speaker.

**The Speaker:** Does any other Member wish to speak to the amendments as proposed? [pause] Does any other Member wish to speak? [pause]. Final call—does any other Member wish to speak?

I recognise the Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, just to say briefly on behalf of the Government that I spent a considerable amount of time going through the basis of the Motion when I introduced it—the substantive Motion, that is. And I sought to deal at length with the concerns that have been expressed by

the Members for East End and North Side publicly, with respect to them.

The position taken and the explanation which we have heard from the honourable Member for East End this morning and this afternoon, in general, represents a misunderstanding and misinterpretation of the constitutional provisions specifically section 89. And I doubt if anything I say now is going to help his understanding of that section.

There is also a fundamental misunderstanding on his part about the ability of this Parliament or anyone else to proscribe or circumscribe what it is that the Electoral Boundary Commission can do. They are mandated, and the parameters of what they can do are circumscribed by the constitutional provisions. Neither this House nor the Governor can change that.

Section 88(9) specifically says that no one can direct or control the operations and functions of the Electoral Boundary Commission. We can make proposals but we cannot seek to circumscribe what it is that the Electoral Boundary Commission report says. Ultimately, it would be for this House to decide whether or not to accept or reject those recommendations, but it is not our role, it is unconstitutional for us to seek in any way for us to try to circumscribe what it is that the Electoral Boundary Commission’s report actually recommends.

So, Madam Speaker, for the reasons I articulated this morning, and on the basis of what I have just said, the Government cannot accept any of the proposed amendments as put forward by the Member for East End in his Motion which has been seconded by the elected Member for North Side.

**The Speaker:** Does any other Member wish to speak?

I recognise the elected Member for the district of North Side.

**Mr. D. Ezzard Miller:** Thank you, Madam Speaker.

Madam Speaker, I wish to speak directly to the proposed amendments to the Motion, and I will speak to the Motion when I get the opportunity.

The first amendment that we proposed is to insert “eighteen” after the words “divided into”. And the Premier has said that we do not understand the Constitution and we are misinterpreting it and there is no need to put the number in.

Madam Speaker, the main reason that we need to now insert the number is simply because the Premier in his Motion introduces section 60(2) of the Constitution, and also in another Whereas speaks directly to increasing the . . . or proposed changes in the number of elected members of the Legislative Assembly. Without those two things I would agree with him. There would be no need to insert “eighteen” in the second Whereas if those two matters were not in other parts of the substantive Motion.

Madam Speaker, I am not a lawyer, but I find it strange that the most honourable Lords at the Privy

Council could issue an order that the Boundary Commission be directed to establish 17 single member constituencies in 2003, and they were not directing boundary commission. But if we put 18 here, somehow we are crossing the boundary and tampering with their independence.

But let me speak briefly to this halo of independence we are putting around this Electoral Boundary Commission.

Madam Speaker, we only have to look at how the appointments are made to understand clearly that the only purpose of this Electoral Boundary Commission is political! The Governor appoints the chairman, the Premier as leader of the PPM Progressives, regressives (whatever they are now termed) appoints one. The leader of the other political party appoints one. Now, Madam Speaker, I don't know what they are going to do this time around. I can only go by what they did for the last two. In 2003 the person appointed by the PPM was a full member of the PPM. The person appointed by the UDP was a full member of the UDP. IN 2009, the same person was reappointed by the PPM and another person, who, at that time, was a staunch supporter of the UDP, was appointed by the UDP. And we come down ya and say no, no, no, they independent people. They are not going to worry about the political aspects of the boundary and how it is going to affect their party. That is their only concern; to draw the boundaries as they see fit to help their party if possible. And, Madam Speaker, I don't have anything with any of those three persons who were appointed. I respect them all. I believe they did a fantastic job.

Madam Speaker, in 2003 the mandate for the Electoral Boundary Commission was very specific: 17 electoral districts. In 2009, 2010, we basically gave them no direction. We appointed them to look at the three members and where they thought they should best go. Now, Madam Speaker, they did not give us one recommendation that they thought was best for the country or best for the party, you know. They gave us three recommendations which allowed the political party in power to choose which of the three recommendations that they wanted, and they picked the one that they believed suited their chances best in the next election. They added two to George Town and one to Bodden Town.

Madam Speaker, the Premier made a big deal about the increase in the number of electors. The membership of this House when it was increased from 12 to 15 was not done with any reference to the number of electors in the country. It was the politicians sitting in this Parliament (I was here) who decided we needed help in Cabinet and we increased it. I was not here when they did the 2009 Constitution. But all of the records indicate that it was not done with any reference to increase the number of electors. It was done by politicians for politician purposes, because we believed we wanted to increase it. And I will agree that section 60 wasn't into the older Constitution.

Now, we are introducing . . . and we say that we are really not asking them to do this you know, but we put a 'whereas' in, we put a 'resolve' in that, in my view, it invites them to make a recommendation to increase the membership, because we have had a 20 per cent in the increase in electors. We have filed an amendment to remove all reference to section 60 from the Motion, which will not allow them to make a recommendation to increase the membership. Or, if we put in the 18, then, they are going to be hard pressed to fidaddle a recommendation to increase the membership if he says we want 18 electoral districts, unless they are going to honour that curious thing with Cayman Brac and have them getting two representatives with two votes or one vote or whatever they want on their own. Right?

Madam Speaker, so, the reason that we believe it is now necessary to reinsert in the terms of reference to the Electoral Boundary Commission the number of number of electoral districts that we want is because nobody in here that I am aware of, has advocated or is advocating for any increase in membership. So, if we agree that we don't want any increase in membership, why are we giving the Boundary Commission the ability to recommend increase in membership based on increase in voters? So, we have filed an amendment to remove that section. Or, if the Premier will simply put in the 18 then he can leave section 60(2), because I believe that they are duty bound to stick to the 18 electoral districts. And if they want to recommend increased membership, they have to recommend more than one member for at least one of those 18 districts. And our instructions are 18 single member electoral districts. But if we give them the option, then, they are going to be here fighting the recommendation of this independent body who knows what is best for the country if they say we must have 19 or must have 21 or have 25.

*[Inaudible interjection]*

**Mr. D. Ezzard Miller:** So, Madam Speaker, like I said, if they don't want to take out the 'whereas' about 60, put 18 and I will vote for the Motion. But if they don't put in 18 and they don't take out the reference to 60, and they will not delete the words "proposed changes in number of electoral members of the Legislative Assembly", I am going to vote against the Motion. You know I don't normally tell how I am going to vote and don't vote that way.

Now, Madam Speaker, you see we are trying to make the public believe all sorts of stuff here. Right? We are trying to find a way that we can blame somebody else for recommending an increase. Because, Madam Speaker, I have heard rumbles. The EIU has reported to me. And I know that the say the EIU is always wrong. I will accept some of that; that some people would like to see another minister in Cabinet because the workload is so high. But in these economic times we politicians are smarter than that.

We ain't coming down ya and make that proposal from us. But if this independent body under [section] 60 chooses to do it on the basis of us telling them that the electorate has increased by 20 plus per cent, then we have a good reason to do it.

Madam Speaker, I am going to leave my response to the Premier chiding me in why I am here and what I am doing and everything else to my debate on the substantive Motion, but you know I am going to answer you.

So, Madam Speaker, I have serious concern because not only is the Government bringing in section 60(2) in the whereas, but in another whereas they repeat their subtle request from the Electoral Boundary Commission to invite them and propose changes to elected membership of the Legislative Assembly. If we are not proposing any changes delete it, because we are inviting them to propose changes to the membership.

Madam Speaker, I have been searching the calendar on my phone, on my computer, all of the calendars in my house and I can't find in good time. And I am a person that one of my first lessons in management was to set deadlines and work to those deadlines, even if you have to move the deadline. But "in good time" it is too indefinite for the North Side representative. I would like to delete "in good time" and put the "30<sup>th</sup> June, 2015". Now, if the Government comes back here on the 29<sup>th</sup> June or sometime in May and says, "Well the Boundary Commission has tabled their report but the Legislative Department in Government under the Attorney General can't get the amendments that need to be done to section 5 of the Elections Law done in time, we need to go to September, I will give them the bly. But if we don't have a deadline, how can we measure the progress of the Electoral Boundary Commission?"

Mr. McLean quoted from the Governor's letter to a former Constitutional Commission, that, it is in quite in order for the Governor to put in the terms of reference deadline for them to meet. How else can we hold them to any kind of performance standard as that?

So, Madam Speaker, those are the reasons why I seconded the amendments to the Motion and I believe they are of important amendments to the Motion and if the Government does not accept any of the amendments to the Motion, I will be voting against their Motion as is.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause]. Final call: Does any other Member wish to speak to the amendments?

If not, I will call on the Member for East End to exercise his right of reply if he so desires.

**Mr. V. Arden McLean:** Madam Speaker, I thank you.

Madam Speaker, it really, really bothers me that this country just in May last year elected 18 Members to serve them in this Legislature and three of us speaks.

Madam Speaker, the fact that we took this issue to the elections and we talked about it there, we beat the living blood out of it, the living life out of it and when it now comes to a position where these legislators are required to get up in here and let this country know the position they take on issues of national importance, such as this, and no one gets up? That really bothers me, Madam Speaker. And by extension I will tell the people of this country, it should bother them too. They should be extremely concerned in that, Madam Speaker, there will always be a difference in opinion in this hallowed Halls. We will always have a difference to opinion. I don't say I am right, I don't think any Member in here says that they are right. No one has the answers for everything. But certainly, we have an opinion on what we believe and what we understand our people to need and want. I believe that it is of paramount importance to the democratic process that we express those positions. I believe that is why we were put here. I believe that the people expect it of us. The people in this country elect people who they trust as their representatives. And they expect that the representatives will lead their country in their best interest. But they also expect during that period that the people tell them what their plans are.

Madam Speaker, I believe that the Government, in rejecting these amendments, has much to answer to. And only the passage of time will tell whether they get punished or get rewarded.

Madam Speaker, the people of East End did not ask me to be right all of the time. They said advocate on our behalf. And that is what I intend to do as long as I am here.

Madam Speaker, the Premier in his response . . . and you know, Madam Speaker, talking about that, I really don't understand how the others who sit there, and I know there are much more capable than just sitting there; every single last one of them. And to think they would make the Premier speak on their behalf, the behalf of their constituencies? Wow! I can understand the five for George Town, but no others. If he is leading the George Town charge, then, I can understand him speaking on their behalf.

*[Inaudible interjections]*

**Mr. V. Arden McLean:** Well, he says he is leading the Government; that means he must have zippers on the rest of their mouths, Madam Speaker.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, to think that the Premier would get up here and say that what we are trying to do is to circumscribe what the EBC

should be doing. Now, Madam Speaker, far be it from me after they are appointed to do that because that is the only time you can do that. But what needs to happen is we need to tell them what the objective is from this Parliament.

Under [section] 60(2), if we make a law to increase the membership before it comes into force, an EBC has to be appointed. That in itself says that they know exactly what it is. There is an increase. Circumscribing what they have to do is after they have been appointed. This is not after they have been appointed. This is inviting the Governor to appoint them with a term of reference to split the country up into 18 electoral districts. What part of that is circumscribing their responsibilities? Madam Speaker, I just can't understand where the Premier is coming from with that. There is a misunderstanding on the part of the Member for North Side and myself, according to the Premier, of section 89.

Now, Madam Speaker, he has said that he has consulted his legal advisors. I don't know who they are. But I have consulted mine too. And the same way he can say that I have a misunderstanding of it, so does he. He has no authority on knowledge around here. And he says that my advisor is advising me incorrectly.

**Mr. D. Ezzard Miller:** And you don't have any employer relationship with your advisor. They can give you any advice and don't have to worry about their job.

**Mr. V. Arden McLean:** Well, I am saying that his is advising him incorrectly too. I think that is fair. But it appears like the only person around here who knows is the Government, or the Premier, for that matter.

Madam Speaker, we just need to understand the objective of the Government. It is their prerogative. They have the numbers. That is why no one needs to speak; they have the numbers, and we respect that or it would be the tail wagging the dog. But I understand that the Government will always have its way and they have no right to stop me from having my say. I understand all of that. But certainly, Madam Speaker, there must be room for us to talk about these things in order that we can come to a conclusion that is in the best interest of the country.

Madam Speaker, this House is made up of 18 Members and the two Ex-officio Members. What are we doing with it? What are we telling the Governor the terms of reference for this EBC must be? That is all we are asking.

The Premier's response is that I have a misunderstanding of [section] 89. We just need to know. Is it 18? Is it 19? Is it 20? What is it? Is it 21? What is it?

The other response is: Why did I not put it into my motion? Now, Madam Speaker, if that is the only response to justify it not being in theirs, I think that is poor. That is certainly not worth staying.

Madam Speaker, the Government must have its way. I am going to make sure that the Government does not stop this real estate over here for the people of East End from having its say. I promise you that. That is not going to happen. Regardless of their legal opinions, their legal positions, I have the right to bring these motions.

Madam Speaker, I don't think it was unreasonable for us to bring an amendment to the Government's Motion. I don't think it was. More so now that there has been no justification expressed for those provisions to be in there, or the 18 not being in there. There has been no explanation. But certainly, Madam Speaker, I shall wait to see what the substantive motion brings. Maybe they are contemplating bringing their own amendment and I hope that is the case, and then we will see whether or not we can support that. But I cannot support something, Madam Speaker . . . I can't agree to invite someone to do something and I do not know what they are doing. And the only reference is in the last resolve, and one of those references happens to be the proposed changes to the elected membership of this Legislature. I cannot support that when I know the public has not endorsed that, when I know it has not been proposed here under [section] 60(2) and this Government is representing those two things in this Motion. Madam Speaker, this Legislature has absolute authority over its membership, and it must *not*, we must *not* give that responsibility or hope that responsibility is taking up by someone else. There is no need for it. We must do it.

Madam Speaker, I wish not to circumscribe what the EBC has to do, but I wish to direct them on what we want them to do.

**Mr. D. Ezzard Miller:** How they do it, we are not saying anything about it you know Arden.

**Mr. V. Arden McLean:** How they arrive at our general direction and wishes, it is up to them. I will not interfere with that and I don't encourage any other Member to interfere with that. But we must tell them what we want done.

Madam Speaker, I gave you two copies of the orders for the other ones and they were told specifically what to do. That responsibility now, because of the circumstances, it fell squarely on the shoulders of counsel in England. The responsibility has now been passed to us because our Constitution is in place and the provision is put in there. Why are we allowing ourselves to pass the responsibility on to someone else that we have to govern this country in the interest of peace, order and good government of this country? Are we going to make someone else outside do it? Regardless of how independent we say they are, there is no independence because they are appointed. But that is beside the point, we hope they are independent. We must tell them what we want. They must not tell us what they need. We are the leaders. Madam Speaker, if this is the way the Government

wishes to do it, then that is up to them. But you must lead.

The Premier talks about leading from out front and you must have people behind. Well, Madam Speaker, he has everybody behind him besides two people: the Leader of the Opposition and we don't know about your good self, Madam Speaker, because you have not made any utterances on this matter. And I am not inviting you to do that because I think it should stay that way. But that is 16 out of 18 . . . well, 15 behind him on it. Fifteen! That's how he leads. And you know you don't have a blindfold on me. But if that is the wishes of everybody, why aren't we saying it?

Why aren't we saying we want it into 18 single member constituencies? What are we hiding? What are we hoping for? At the very least—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Ossie, you know I ain't ga do that, 'bout you want me to trust you—the Minister of Health.

Madam Speaker, what is it we want them to tell us? They must tell us nothing. The authority lies right here on what we want, what this country needs.

Madam Speaker, I just beating up my gum because I did my best. Sometimes I feel like I am a lone wolf in the Mojave Desert crying. Am I that wrong? Was that what the Premier was referring to about what was going on in my head? Am I that far out after 14 years of experience in here being an active member of the negotiation team on the Constitution, finding legal advice that is as good, or better, than anything the Premier has? Am I that far out in the left field that I need to be checked; that this is something subversive in my country? Am I? I need to know. Maybe I have been in here too long, Madam Speaker; that might be what it is. I don't know. I know what—

#### Moment of interruption—4:30 pm

**The Speaker:** Member for East End, sorry to interrupt but we have reached the hour of interruption, so I will call on the Honourable Premier to move the suspension of Standing Order 10(2).

#### SUSPENSION OF STANDING ORDER 10(2)

**The Premier, Hon. Alden McLaughlin:** Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 10(2) in order that the business of this House may continue beyond the hour of interruption.

**The Speaker:** The question is that Standing Order 10(2) be suspended to enable the House to continue beyond the hour of interruption. All those in favour, please say Aye. Those against, No.

**Ayes and one audible No.**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** Member for East End, please continue.

**Mr. V. Arden McLean:** Thank you, Madam Speaker. And I won't be very long. I should have told you then that I would have done it within a few minutes, but . . .

Madam Speaker, I was just going to say lastly, that every one of us agreed. I heard the Minister of Works saying: "no increase". We don't want any increase. We are not proposing any increase. Nevertheless we have it in here. We are talking about it in here in the recitals. We are only saying to take it out and we will be there with you. We will be there. I reached out. I don't know if that was rejected. So, obviously, we want 18 single member constituencies . . . unless, of course, somebody is now hiding behind something. I don't want to hear when we come back now that it really meant to increase it and we are putting the responsibility on the EBC. I hear the Minister of Health say to trust him. *Trust but verify.*

*[Inaudible interjection]*

**Mr. V. Arden McLean:** I need Ronald Reagan's thing; trust but verify old boy. I ain't messing with trust and . . .

*[Inaudible interjection]*

**Mr. V. Arden McLean:** That is why I am so cautiously optimistic sometimes with you all.

Madam Speaker, since it is 18 we want, put it in there. I would like later . . . because I know they ain't going to pass this. They have the numbers, Madam Speaker. And then they are going to take their motion through with or without the Member for North Side and myself. I would like, and I am calling on the Governor today to make public the letters of appointment for this Commission that is to be and the terms of reference. That is fair, that is reasonable, that is expected by the people of this country.

Too much controversy has been surrounding this subject. It brought one government down. Madam Speaker, I dare say it has the potential of brining others down also.

Thank you, Madam Speaker.

**The Speaker:** The question is that the amendments to Government Motion No. 1/2014-2015, Cayman Islands Constitution Order, 2009, SI.2009 No. 1379, be passed.

All those in favour, please say Aye. Those against, No.

**Ayes and Noes.**

**The Speaker:** I believe the Noes have it.

**Mr. V. Arden McLean:** Madam Speaker, can we have a division please?

**The Speaker:** Certainly.

Madam Clerk, please call a division.

**The Clerk:**

**Division No. 19**

**Ayes: 2**

Mr. D. Ezzard Miller  
Mr. V. Arden McLean

**Noes: 12**

Hon. Alden McLaughlin  
Hon. Moses I. Kirkconnell  
Hon. D. Kurt Tibbetts  
Hon. Osbourne V. Bodden  
Hon. G. Wayne Panton  
Hon. Marco S. Archer  
Hon. Tara A. Rivers  
Hon. Anthony S. Eden  
Mr. Winston C. Connolly  
Mr. Roy M. McTaggart  
Mr. Joseph X. Hew  
Mr. Alva H. Suckoo

**Absent 3**

Hon. W. McKeeva Bush  
Mr. Bernie A. Bush  
Capt. A. Eugene Ebanks

**The Speaker:** The result of the division is as follows: 2 Ayes, 12 Noes and 3 Absentees. The Noes have it. The amendments to the Motion have accordingly failed.

**Negated by majority on division: Amendments to Government Motion No. 1 2014/15 failed.**

**Government Motion No. 1/2014-2015—  
The Cayman Islands Constitution Order 2009  
(Electoral Boundaries)**

**The Speaker:** Does any other Member wish to speak on the substantive Motion? [pause] Does any other Member wish to speak? [pause] Does any other Member wish to speak on the substantive Motion, being Government No. 1 2014/2015?

I recognise the Fifth Elected Member for George Town.

**Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town:** Madam Speaker, I rise to add my brief contribution to the substantive Motion and I hope that it will be a crystal clear one.

Whilst one I did not actively campaign on what is being called the one man one vote proposal, I have always stated when asked the same exact thing, and, in fact, I signed the petition. I am and continue to be perplexed at the continued questions over my and other independent candidates' views or acceptance of the concept, and I will simply put that down to media sales and possibly politricks.

For the record, I believe 100 per cent in equality of franchise. I support 100 per cent one person one vote and I accept 100 per cent single member constituencies. I trust therefore, Madam Speaker, that my position has now been made abundantly clear to everyone, and that after my vote today, there will be no ambiguity. On that, Madam Speaker, I end my contribution. Thank you very much.

**The Speaker:** Does any other Member wish to speak? [pause].

I recognise the Honourable Minister of Finance.

**Hon. Marco S. Archer, Minister of Finance and Economic Development:** Thank you, Madam Speaker.

I too will be brief, Madam Speaker, to say that in February when we first discussed such a motion, at the time I said that we could not afford any distractions. I think I recall saying that because at the time we had only completed one budget. And now that we have completed two budgets and we are on a fairly good path to doing what we set out to do, I can honestly stand here and say that I am happy that this day has come that we can get this behind us and continue to what we are trying to do, which is to get the country back on sound footing. And, as promised then, and am saying now, certainly, I look forward to the 2017 election when we will go to the polls to vote; to be politically correct, 'one elector one vote'. I still like the ring of one man one vote, but nevertheless, I think some people get all upset. If they want to say one person one vote, one elector one vote, presumably is the correct terminology.

So, Madam Speaker, I am not easily distracted and I will ensure that all of the political ranglings that will come within the next two years will not distract me, but I will continue to do the job that I have been doing and then to prepare myself for the next election in the manner in which it will be conducted.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? [pause].

I recognise the Fourth Elected Member for the district of Bodden Town.

**Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town:** Thank you, Madam Speaker.

I would also like to rise to give my support which I do not think will be of any surprise to anyone in this honourable House to this Government Motion. I always knew the day would come, Madam Speaker, when I would pick up a little beating from the Member for East End, but I would like to thank him for not making it too harsh.

There is a reason why I did not speak to the amendments to this Motion. And it is because I think this Government has spent the time necessary dis-

cussing this issue going back and forth with each other and others to ensure that we are doing the right thing. I know that we hold ourselves to very high standards. And I think the Government has made the commitment, to my satisfaction, that the end result of this process will be what I started out fighting for when I first became a member of what was then the One Man One Vote Committee.

So, Madam Speaker, I am satisfied. I did not see the need to amend this Motion. I am satisfied that the Government is carrying out its mandate from the people. And I can assure the Members for North Side and East End that I certainly would not be participating in any sort of trickery or deceit or hidden agenda to accomplish anything other than what we started out to accomplish.

I think everyone should know me well enough by now that I know right from wrong. I was raised in a household that taught me that and I would not participate in any of those sorts of activities.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** And I continue to learn; exactly.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** Madam Speaker, the Government has worked extremely hard to gain consensus on this issue now, and to reach the point where we are.

Today is going to be recorded as a historic day in our history. It is going to be a day that we finally achieve equality—something that we have fought long and hard to achieve. And I am proud to be one of the Members of this Government that is going to make that a possibility.

There really is not a whole lot left for me to say on this issue. I alluded earlier to the fact, Madam Speaker, that I was one of the original members of the One Man One Vote Committee. At that point in time my political career was not even starting. And I am grateful and thankful to the Members of that committee. I won't try to name them all now because there were so many. But they did set out to accomplish something that I thought was noble, something that was needed by the country, and I applaud them all for their support and dedication. I would like to congratulate them for what they have done for the country as well.

Madam Speaker, my first debate on one man one vote, single member constituencies, or (sorry) one elector one vote, I discussed the need for equality being one of the most important aspects of what we were doing. I recently gave a television interview and I alluded to votes being considered political currency, and I still believe that. One individual having more currency than another could potentially lead to situations

where people are taken advantage of. Or their needs may be ignored.

I would not think that anyone in this honourable House would stoop to those levels, Madam Speaker, but there is a possibility, and I believe our job here is to protect equality and the freedom of individuals.

I did acknowledge that there was a concern, Madam Speaker, that the size of the constituencies may have been an issue for some. There is a possibility that some unscrupulous individuals may try to influence a vote in a small constituency. But I have a lot of faith in Caymanians, in our people, Madam Speaker, and I do not think that we have arrived at the point where that would be at all possible.

I think Caymanians are still proud of where we have come from. We have very high standards and we hold each other to those. I really am not concerned at that fact that a smaller group of voters could be bought or led down the wrong road through means that were not ethical. So, I've pretty much taken that concern out of my mind, Madam Speaker.

There were some examples in the last election that helped me arrive at this point, where I did see some questionable practices, things that I would consider vote buying, even if the authorities may not have at the time, and it did not work. I saw individuals who were trying to influence the outcome of the votes in Bodden Town on behalf of certain people who were involved in the election. And, you know, I did make a few reports because I was concerned. At the end of the day it made no difference. Bodden Towners decided that they wanted a change and they voted for the individuals and the candidates who they thought represented that change.

There are those, Madam Speaker, in particular in this House, who may think that I am doing damage to myself politically by encouraging single member constituencies, and who [may] say that I could not possibly win a seat in a single member constituency situation. But I am not too concerned about that, Madam Speaker. It just means that I have to work harder than I did before. But I do not plan to relinquish my seat without a fight. The people of Bodden Town put me there and until they decide that I am no longer worthy of holding that seat I am going to hold on to it and fight for it.

But, Madam Speaker, I am doing what I know is right, regardless of the outcome. And, if in 2017 the people of Bodden Town decide that I have done enough, then I will accept my fate. But, until that day, I plan to fight for the privilege that I have been given to represent Bodden Towners and I will continue to do so.

I was elected by Bodden Towners to do a job, Madam Speaker. And one of the tasks involved in that job is to fight for equality, to fight for one person, one vote and single member constituencies. If the voters decide in 2017 that that was all they needed me to do, so be it. But I don't think that that will be the case.

Madam Speaker, Romans 13:1 says: “**Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.**” [*King James Version*] So, when God decides it is time for me to move on, the people will let me know. But no one individual, no man, is going to tell me that he can decide my political fate or future. I don’t care how powerful or influential.

I heard the comments, Madam Speaker, and those who have made them know what I am talking about, but I won’t call any names. I have no plans to be a career politician. I have no wish to stay in this House until I become impotent and useless, hanging around just to agitate and irritate. I will know when my time has come. And I remind myself every day of how fleeting this opportunity is, and I make the most of this opportunity every day.

Madam Speaker, it is time for leaders to be accountable. It is time for people who truly want to answer to the people. Single member constituencies are one way to ensure that we as representatives answer to the people we represent. No passing the buck, no blaming someone else. It is time for leaders who can stand up and say, *I am the person you need to speak to; I am the person who represents you; I am the person who will ensure that you are looked after, and that the Government understands what it is that is required to make your life better.*

Madam Speaker, 1,396 people voted in favour of single member constituencies and one person one vote in the referendum in Bodden Town. Ironically, I was the elected with 1,393 votes; a difference of three votes. It could be a coincidence. But that three vote difference speaks volumes to me. And throughout this process I have decided to never turn my back on those 1,396 voters because I do believe that a lot of the votes that put me in office were those same individuals. And I believe that that is where I got this mandate from.

At times, Madam Speaker, I fought to keep my word and I fought, sometimes to the discomfort of my colleagues—and I do apologise to them for any discomfort I have caused them, because it was never my intention, as said before, to cause this Government any sort of division or strife or discomfort in the positions I took. But I did feel strongly enough about this issue, Madam Speaker, that at times I may have acted very strongly and spoken out very strongly, but that is not to say that other Members of this Government did not feel the same way. My experience was, I think, a little unique in some instances and I think that led quite a bit to my commitment to seeing this happen.

[*Inaudible interjection*]

**Mr. Alva H. Suckoo, Jr.:** But I think everyone on this side understands my dedication to equality and accountability and electoral reform, Madam Speaker.

And I am pleased today that my colleagues and I can stand here and do this together.

Madam Speaker, in Bodden Town 1,396 people defied the Government of the day and came out—often at my request—and went into the polling stations and voted in favour of single member constituencies. At the end of the day when the votes were being counted I sat in the counting station. For a vast portion of that time I was in the counting station by myself because we were operating . . . obviously, we didn’t have the resources that the Government had at the time. And, you know, I worked that day from six in the morning until the last vote was counted.

At times it was just me staring down the entire entourage of the United Democratic Party representatives. I did notice at times that they were taking great pleasure in the fact that we did not seem to be achieving the level of success we hoped we would. But the process, I think we all can agree now, was not completely fair. I do believe the bar was set way too high. The time of year was not complimentary to having a referendum. And, of course, the Government took a side and there were many people who felt intimidated and felt that showing their faces at the poll may have been to their detriment in some way, shape or form.

Throughout all obstacles thrown at us, Madam Speaker, we refused to back down and we did not show weakness. Today, we are getting what we fought for, and what some people felt too intimidated to stand up for. There were those of us who had to actually fight for those who felt intimidated and for some who even felt too intimidated to come to the polls, but who assured me that come 2013 they would speak loud and clear. And they did. Those individuals kept their promise to me and today I am keeping mine.

There are those, Madam Speaker, who say that this issue is not that important considering the unemployment, the level of crime, the landfill issues, tourism challenges and many others. But, Madam Speaker, equality is the main ingredient for a healthy democracy. The right to vote should be equally available to everybody. And the spirit of democracy will only be respected if people are given the right to vote without discrimination. The exercise of the right to vote, Madam Speaker, adds to an individual’s self-respect, dignity and pride, and sense of responsibility. In other words, it is the bedrock of a truly democratic system.

So, how can we say that this issue is not important, Madam Speaker? If the former Government did not feel that your right to vote was important enough to fight for; is there any wonder why there are so many people suffering in this country today?

Is there any wonder why there are so many people hungry and unemployed?

Is there any wonder why there is so much blatant discrimination against Caymanians when our own Government failed to acknowledge that we were deserving of equality?

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** I know I will take some licks for saying that, Madam Speaker. But the people that I represent feel the same way, and no one can tell me that they don't.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** No, I won't even go there, Minister Bodden. I won't even go there.

Madam Speaker, the right to equality and voting took a back seat against other issues, and has taken a back seat for far too long. And today it is a time for us to strike a blow for those individuals who have been left out, overlooked. This is one important step that this Government must take in correcting a wrong. And I am proud to say that we will be the Government to do it.

Madam Speaker, when I stood up I said that there was not really much else that needed to be said and I will try and stick to that. But I do want to acknowledge two individuals who fought side by side with the One Man One Vote Committee, and they are now no longer with us: Mrs. Consuelo Ebanks, and Ms. Melanie McLaughlin. And I hope that in their memory this entire House decides to support this Motion today.

I thank you very much, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak?

I recognise the Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Thank you, Madam Speaker.

Madam Speaker, no one need wonder or ask where I stand on this matter. From the day I heard them talking about one man one vote, I opposed it. And I do not support the move today.

I do not support the move from our voting system that we have had since we have had representative government. It has not failed us. It has done us no wrong. And any shortcomings, Madam Speaker, I believe that we can straighten them out without changing and going into something which I believe . . . and hear me today, Madam Speaker, and to the Member just sitting and to the rest of them, hear me: This is going to be something that will not help these Islands in more ways than one.

It might not manifest itself immediately, although some of them who are ranting and raving about what the last Government did will find out when they have to go and face that bunch out there alone. They will find out.

Madam Speaker, there are those who do that now. The two Members for East End and North Side, they run in single member constituencies only be-

cause they do not have a bigger number of people. That's the only reason. But I cannot support the move from our system that we have—and we have had successfully. It has done no wrong to this country.

This started, Madam Speaker . . . I don't know where it started, exactly, but I know when it hit West Bay it was, *We are going to get rid of McKeeva Bush. We are going to go single member constituencies.* And, yes, they have been trying. That won't happen that way. But they will find out. Let them go ahead.

What I do know, Madam Speaker, is that we do not have the numbers to stop the Government from going ahead so my vote will still be "no". I do not see, nor has it been successfully argued, how this is going to help these Islands. I hope that each Member who has pushed for this, save those who have voted in single member districts for all of these many years, [know] how this is going to change anything that brings betterment to the people of these Islands.

Equality? How are you going to get equality? By splitting the districts up into four? Or George Town in six? Or Bodden Town in four? I don't see that, and it has not been proven to me. There are people who shifted from other forms of voting to this single member. And they wish today . . . up until I was in Barbados I was told that. They wish today they had not moved. But I guess we have to prove things ourselves. We are that kind of people; we have to prove it to ourselves. So, we will wait and see.

But I can tell you the die has been cast. It will go that way. You are going to get something, more than you asked for. You are going to chew off more than you can swallow (to put it simply).

It is not about who you are going to keep out. I suspect that there will be some over there who will be running for cover once it goes into effect. You can believe that. But I don't see this argument, as was just given by the Member for Bodden Town, who seems to forget that he was UDP at one point. That's where he cut his teeth politically. And I suspect that if we wanted him we would have had him too, but he couldn't wait, Madam Speaker, so he jumped and went on the other side. But—

*[Inaudible interjection]*

**Hon. W. McKeeva Bush, Leader of the Opposition:** I'll leave him alone, Madam Speaker. It seems to be something that he is enjoying and I hope he is enjoying it.

Madam Speaker, he says that if we (that had to include the Speaker because they were a part of the Government at the time) . . . because we didn't go into this voting system, he said that is why Caymanians are suffering. Oh yeah?

*[Inaudible interjection]*

**Hon. W. McKeeva Bush, Leader of the Opposition:** Well why did they make it so good all the other years,

Madam Speaker? What kind of system did we have then?

If that is the reason we are suffering today, because I did not move from the present system to single member, why, then, were we so successful in all the many years? And let's not put our country down and say we were not successful. We were. We still are, as far as I am concerned. We have some challenges to face, but we are not dead.

But, Madam Speaker, I would ask him to explain it. I don't know where he came up with that blarney. But I can tell you that he has not convinced me that he has said anything there in that sentence that makes any sense.

Why we have unemployment, he says, is because we did not have equality in voting. Tell me, now, how that could equate to unemployment. Tell me! Tell me how that could equate to the numbers of burglaries rising from last year from where they were, to how many more it is at this point in time. Tell me how it equates to that.

Tell me, Madam Speaker, where the single member district will prove any different in that. The only difference is that you are going to be able to vote for one person.

[Inaudible interjection]

**Hon. W. McKeever Bush, Leader of the Opposition:** Accountability? Madam Speaker, some people like to twist that word so much that they have it around the other side now.

Madam Speaker, isn't it better in a district of four people for the constituent when they can't find one, they can always find the next? Isn't it better that way, Madam Speaker? Isn't that more accountable as a group, as a Government, as Members of this Legislative Assembly? Rather than going to cut your district up in four or five pieces and you go to that one and you can't find that one, well who are you going to go to?

[Inaudible interjection]

**Hon. W. McKeever Bush, Leader of the Opposition:** Ha, ha, ha.

Where . . . replace him in the next four years? Yes, maybe. Maybe that person will be smart enough in a small district to win back his seat, though. Maybe he would not have been so easy to win in the bigger district.

Well, what my people in West Bay told me was, *We are not so fool-fool, that if we have four representatives, we are going to choose one now.* And you know what? That is simply put. But I certainly believe that is the way it is. I believe that four people who you can hold accountable and get something done, rather than trying to hold one accountable and you can't get anything done. Who will do it after that? Who?

They are there, but you still don't get anything done. It's not about somebody saying when they run from Mr. Bush to Mr. Ebanks or Mr. Jackson, whoever it is, and they say, *Well, you go to that one*—in the big districts, I'm talking about, the four-member districts—*go to that one.* It is not about that. It's about being able to get something done, whichever one of the four does it. But if you only have one, who are you going to run to?

No, this has not been answered to me about how the changes are going to make us better off as a people. This is no more democratic than what we have now. If you are voting for one, you can vote for one now if you choose. You have four in four-member districts.

So, Madam Speaker, I don't need to belabour the point here. It has not been proven to me that what is proposed to be done is going to make my district of West Bay any better off. What I see happening in our country is those areas in our country that we have problems with—that is what I know (and none of us can deny it). Those areas can easily become the garrisons that we have been talking about.

And hear me. Cuss me and say whatever you want. If people don't see that that is a possibility, then, you are blind and unwilling to see what is in front of us. You can.

You think I don't see what is happening in West Bay northwest, as different from West Bay south or West Bay central? You think we don't know what happens here in central George Town as against what will happen in northwest George Town or north George Town and so on? I don't see this doing any good for us.

Maybe the party that won, campaigned on it, maybe they did. I didn't listen to very many of their meetings, and I don't know if that was the central theme in their campaign. What people will do in a campaign is different from what they do when there is that one question put before them, however you put it. It is completely different.

So, I keep saying, and I will repeat: It has not been proven to me that this is going to make life for our people any better. This is not going to stop the banks from taking away people's homes! It is not going to bring down the burglaries that our people are experiencing. It is not going to cut down unemployment. So, you say it is better for democracy. Oh yeah? Well, I can tell you what destroys democracy is some of those things I have just mentioned which we are experiencing and there doesn't seem to be anything able to be done at this time.

It does not matter, we know how hard the work. There are circumstances that will not allow you to get things done in the environment that we are experiencing in Cayman which tumbles over from the metropolitan countries. And, of course, our own local issues compound those things.

I am not going to vote for this. I don't support moving to 19 members. We tried that. We talked

about 17, and they would not agree with that. At one point they were talking about 21, trying to get a balance between what would be the Government and the Backbench. But if you had 17 and had 7 members on Government, you would still have 10 members that could upset the Government, if need be, in a so-called democratic move. I don't know why we are going to want to add another one. More cost to this country. I don't know if it is going to mean more representation. I don't know.

I think that the Motion should be very clear about what they are going to do. In the second Whereas it says that **“the Government is desirous that the Cayman Islands be divided into single member district electoral districts.”** That should say 18. I agree with that if that was an argument, because that is what you are aiming to do. Leaving it that open then gives rise to, I guess, the second to last Resolve. It gives rise to it. That says: **“ . . . following the making of an Order by the Governor, pursuant to section 89(6) of the Constitution, for the determination of the boundaries of the electoral districts of the Cayman Islands, the Government thereafter submits to the Legislative Assembly a Bill to make the necessary amendments to the Elections Law (2013 Revision) in accordance with the said Order to enable the establishment of single member electoral districts in the Cayman Islands, with each elector having one vote;”**.

Again, it did not speak of 18 members. We need to say what we are doing. We need to say to the people of the Cayman Islands that that is the proposal. That is what we want to do. We want to increase from 18 to otherwise, whatever that number is.

So, I find that the Motion is not being open enough. It is not saying exactly what they want to do. And I thought in such an important motion before the House that it should be absolutely clear. Are we going to change the membership of the House from the numbers we have now to add one more, or what? We need to say that, Madam Speaker.

I hope that the mover will make that clear; not by saying this is clear because this is not clear. Make it clear if he intends to increase the membership of the House.

The other thing, Madam Speaker, which I would draw attention to, is that the district of Cayman Brac . . . as I understand, the proposal is to split the district in two to make it single member districts. I've always argued in favour of the Cayman Brac people because I know what they said. They did not want their Islands cut up. They wanted to be able to vote across the board. That was my understanding from them whenever I talked to them.

Also, Madam Speaker, I could not take the position that we must have one country, two systems. I don't believe that either. How do they treat Cayman Brac situation? Well, you can't say that you are doing what the Cayman Brac people want when the Cayman Brac people say they don't want single members,

and you are splitting it up into two. You can't say that you are doing what Cayman Brac wants. And then you can't say that you are doing right in a small country like this by saying *one country two systems*—one for Cayman Brac and one for Cayman.

So, how the Government gets around it I will wait and see. I am not going to waste a lot of energy on this matter. I will talk about it in my district and I will talk about it in other areas because I do not believe that we are doing the country any good by going this route. As I said, it has not been proven. Talk! But talk is cheap. Say anything. As grandma says, “Tongue will say anything after it learned to talk.” So, it is easy to talk and draw scenarios about democracy and adduce to that how things work in other countries as against how we operate in our Islands. It is easy.

You can say that in many of the Commonwealth countries they have single member districts. But you should pay attention to what happens, in particular in and around us, closest to us. And you can look further afield to [ask] if that is something you want. Or if you are trying to make change for the better, should you not look to see something that will make us better, other than what those people got, because they didn't have it any better, or they are not having it any better. So, why should you take their example? No.

The Premier said, sometime ago, that he would have been pushed into this. But I guess the poor Premier has taken a beating from his backbench. And I don't know if any on the frontbench pounded him up but I would suspect that the backbench of the Government must have taken a toll on him. But I would say to everyone over there, look at all of those countries that have single member districts. Has it made them any better? Look at our situation and do not just look at your yard and say, *Well, everybody is like me, I'm cool, I can handle it, I can cope with it, me and my wife can teach our children.* Unfortunately, that is not the case throughout the country.

What we can handle as Members inside this House, there are too many people out there who cannot. Therefore, we are setting up ourselves to take a beating. Not only us, because I see myself going another term, if that, and then younger ones coming in to take over. So, it is not me. The only thing is that I hope to be around many years. And so I would see what happens to our islands. And I have grandchildren. I have people around that I care about. And we don't want to see us setting a situation because of so-called democracy that we say we don't have, it is going to make us better. That is what they said, change it and it will make you better. I don't see it.

I will not support that, Madam Speaker, and I implore those Members before they jump into this to look around and see how you can improve what we have, not take away from it or move it out before you have proven that you got something that will make us better off as Caymanians.

We have protected these seats in our Constitution for many years, Madam Speaker. Setting up a district like George Town, you don't know what you are going to get. You don't. You don't know who you are going to get. Where from? And I have nothing against the country being inclusive. That is not what I am talking about. I am talking about being unsure about what obtains in and amongst us.

Now, you can come back after me and say all sorts of things, as the Member said before I got up. That does not help the situation. And if you all haven't learnt that yet, I don't know. Beating up on me has not helped you all. No matter how you changed the Government, it has not helped you all. Beating up on the two Members for East End and North Side have not helped anybody. Give consideration to how you can make this better before cutting those districts into pieces.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak?

I recognise the Honourable First Elected Member for the district of Bodden Town.

**Hon. Anthony S. Eden, First Elected Member for Bodden Town:** Thank you, Madam Speaker.

In the unique position that I am in this evening, I supported the Motion when it was first brought by the two eastern district Members. I know that within my Government that it was a bit unsettling, but as people who have been around me for over 20 years know, I am not really a person who will toe party lines for the sake of being a party.

During the election, Madam Speaker, the majority of people that I visited with indicated to me that they wanted to see single member constituencies—one person one vote. As I listened, Madam Speaker, to the Honourable Leader of the Opposition, having the cautious observation and being in politics nearly 30 years, I have also heard some of these concerns, especially from the older people. But my responsibility as a representative in the democracy in which we live is to use my voice for the majority of the people. And let us hope that with God's help we will not see deterioration in the living conditions here in the Cayman Islands.

I want to say thanks to our Premier for seeing and understanding and feeling the temperature that had arisen around the topic of one person, one vote. Madam Speaker, it seemed as though these Islands were being consumed, with nothing else going forward but to deal with this. It is now here before us and it will be my responsibility this time to once again vote yes for one person one vote, single member constituencies.

I trust that as we go forward it will bring us closer together. Because I have to tell you that after 22 years I am so sick and tired of hearing the political wrangling throughout the airwaves and the newspa-

pers and whatever. It is time for us to get back to basics, to think about the people in our Islands, how we can help them; the people out there who are suffering every time it rains because their roofs are leaking. They need proper toilet facilities and here we are beating our gums up constantly day in, day out, week in, week out, month in, month out, about things political.

It is time, Madam Speaker, these Islands got back to the basics and do what the people want, not we as individual politicians.

Thank you for your time, Madam Speaker.

**The Speaker:** Does any other Member wish to speak?

I recognise the Second Elected Member for the district of George Town.

**Mr. Roy M. McTaggart, Second Elected Member for George Town:** Thank you, Madam Speaker, for allowing me some time to share my thoughts on the Motion that stands before us this evening.

Madam Speaker, this is an issue that has been around for the better part of three years as far as I recall, that we have been debating, discussing. It has been the subject of a referendum. We have discussed these matters back and forth. Madam Speaker, in my mind it is time to act. It is time to put away the political wrangling and whatever differences we may have. I believe that the country has spoken and this is the way they would like to see the country move.

Madam Speaker, I was never a part of the one man one vote movement, as it became known. I did, however, support their efforts. I voted firmly for one man one vote in the referendum. Whenever I was asked in the campaign, I always stated my position that I was in favour of what was contemplated. And despite many public statements on my behalf, there still seemed to be some lingering doubts as to where my position lay, like my colleague, the Fifth Elected Member for George Town also took the opportunity to state.

So I, too, would like at this point to unequivocally state my position—that I am unequivocally in support of one elector one vote in single member constituencies. I am delighted that this Motion is here before us for it does, assuming it passes here today or at some point in this Assembly meeting, whether it is today, tomorrow or another day, it will set in motion that process that will bring this matter to reality in this country.

Madam Speaker, I have been a part of the debate that has taken place within the Government caucus. In terms of the drafting of this Motion, we have debated it and talked about it back and forth. And my personal belief is that the resolutions in here are unequivocally and sufficiently clear that it deserves our support in voting to support it. I can state confidently that there is no ulterior motive here. There is no underlying agenda, other than to bring about one

elector one voter in single member constituencies. And it is on that basis and faith in this Government, that I am supporting this and taking this forward.

I would hope, in conclusion, Madam Speaker, . . . I would plead with my colleagues from East End and North Side to reconsider their position as well in supporting this Motion, and join us as we try to bring this matter to reality, because I think we all want the same thing here. No question about it. And I do have to say we have to give credit where credit is due, and credit to these two Members, Madam Speaker. They have kept the pressure up. And I am convinced that part of the reason why we are here, because there was that commitment as well within this Government.

*[Inaudible interjection]*

**Mr. Roy M. McTaggart:** I give you credit.

**Mr. V. Arden McLean:** You take credit.

**Mr. Roy M. McTaggart:** I will take credit.

We are at a historic moment in this country and in the evolution of politics and an electoral system in this country. I am looking forward . . . I certainly will be supporting this Motion when the vote is taken, and looking forward too, to voting on and seeing the full implementation of one elector one vote when that time comes in the future.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Does any other Member wish to speak?

I recognise the Sixth Elected Member for George Town.

**Mr. Joseph X. Hew, Sixth Elected Member for George Town:** Thank you, Madam Speaker.

Madam Speaker, I rise to offer a very brief debate and my comments on this Government Motion.

I would like to first congratulate the Premier and this Government for the democratic and regardful way in which it arrived at the position of this most important position we have now taken on this important and emotive subject.

Madam Speaker, we as a Government on a day to day basis are pulled and tugged and stretched in many different directions with the many, many, many challenges and issues our beloved country today. And, Madam Speaker, the issue of single member constituencies, one person one vote, was certainly a major distraction. And once taking office, this Government debated and struggled with it and then the Private Members' Motions came and we debated and struggled with it again. And then, Madam Speaker, under the leadership of the Premier this Government in its caucus committed itself to working towards a resolution and, therefore, here we are today.

Madam Speaker, when I am out visiting on the weekends usually, I too get a lot of representation, in particular (like my colleague, the First Elected Member for Bodden Town said) from the elderly stating their confusion surrounding the matter, stating their concerns about garrison politics, about abuse of the system. And, Madam Speaker, I am a firm believer that when you have these problems it is not normally the system, it is normally those who are participating in the system that causes such abuses and irregularities as we may be concerned about.

Madam Speaker, we all understand change, we all understand that without the caterpillar going through a metamorphosis that we cannot get the beautiful butterfly.

Madam Speaker, I believe that, whilst it may not be perfect and only time will tell that, that this is a good start, a solid foundation towards the development and the advance of our electoral system and towards a quality amongst voters.

Personally, Madam Speaker, I did not base my decision on fear of change or on fear of remaining the same. I didn't base it on politics or intimidation. I based my decision on what I believe is best for the future of these Islands.

Madam Speaker, I support this Motion and I am proud to stand here today to say that I will vote yes on this monumental moment and this important period of advancement in our country's electoral system. At the end of this vote, Madam Speaker, I hope we can close this chapter, shut this door, end this circle, whatever we want to call it. What is important at this point is that we now move on and leave in the past what is over. And like my colleague, the Minister of Finance, Minister Archer, I too look forward to getting back to working on some of the challenges and issues facing our people and this country.

Madam Speaker, I close by saying that not a day passes that I do not continue to pray to seek guidance and to seek the strength to focus on trying to steer this good ship, the Cayman Islands, on a safe and prosperous course. Thank you for the opportunity, Madam Speaker, and I look forward to joining my colleagues in voting yes on this important Motion.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Does any Member wish to speak?

I recognise the Honourable Minister of Education.

**Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs:** Thank you, Madam Speaker.

Madam Speaker, like many of my colleagues, I will also endeavor to be brief in my remarks. But, Madam Speaker, I think it is incumbent upon me to once again speak to the issue that is at heart for me, in being a part of the Government that is bringing this Motion forward, and that is that of equality.

Madam Speaker, as I expressed in this honourable House back on February 28<sup>th</sup>, the issue of equality and striving and promoting equality is something that has been a guiding principle of mine for as long as I remember myself. And the reason that I personally support moving to a system, which, as the Honourable Premier mentioned, it may not be the perfect system but a system that is much more equal in its basis, much more cognisant of every person's right to have equal participation in the political process, is an improvement and it is a better system. And whereas many of us, myself included, often strive for excellence and strive for the best, in some instances in order to get us one step closer we have to make that step.

Madam Speaker, it is also incumbent upon me to recognise that as the Second Elected Member for the district of West Bay, I truly represent in this instance a district divided on this issue if you are to go by the results of the referendum that took place in July 2012. Madam Speaker, but for 20 votes you pretty much can say that that district, the district of West Bay that I represent, have essentially equally voted in support, but also equally voted against, even though the referendum failed in that district, as I said, by roughly 20 votes.

So, Madam Speaker, as one of the representatives from that district, in putting my support behind this Motion and this step, I am demonstrating leadership. And oftentimes leadership is what is required in order to take us in the direction or take us forward, even though it may not be seen as the politically popular thing at the time. And so, essentially by standing here I know that I obviously represent and as a representative I strive to represent the interest of my people and my constituency to the best of my ability. But in this instance there is no clear mandate from the people of West Bay. Nonetheless, they elected me as one of their leaders to take the position and to take decisions as a leader. And, as such, I stand here and say that I support a system where everybody is able to have equal participation in the electoral process; one that I recognise may be seen as taking away certain rights currently enjoyed, but at the same time it is not making anybody any less able or any less equal to participate in this process.

Madam Speaker, taking what may be seen as a bold step to some, I continue to demonstrate leadership by tackling the difficult issues facing this country, many as was articulated here today. Issues of human capital development and employment, issues related to helping to improve and helping to take our education system to higher heights; issues dealing with labour, pensions, and, Madam Speaker, fighting for and promoting gender equality as a mainstream consideration.

So, Madam Speaker, yes, changing our electoral system will not solve (so to speak) a lot of these issues that the country is facing, but what it does say

is that we, as leaders, are willing and able to take bold steps, in some instances, to lead.

Madam Speaker, a concern of mine that I have with respect to any significant change such as this, is that our people are properly and adequately prepared from an education and understanding perspective. This, Madam Speaker, in my mind is only the first step. It is incumbent upon us as a Government and as individual elected representatives in our respective constituencies, to ensure that we help to educate the people about what such a change will mean for them personally and practically. Because, Madam Speaker, that fear of change is often because people do not understand what the change will bring.

As I said, I am not here to sit and defend any one system as being perfect, and I think it is only right that when we talk about moving to a system of multi-member constituencies to single member constituencies, we talk about and try to find ways to mitigate the negatives that may ensue as a result, because as leaders we are required to do that.

Yes some of us in this room may have campaigned. Some of us may have built our political career on this idea. I personally did not, not having been a member of the then one man one vote, as I would like to say one elector one vote, and I applaud the Government for ensuring that this Motion is gender sensitive and gender correct. But, Madam Speaker, the campaign is over. So for me this is more than just a campaign promise fulfilled. This is something that I think the country as a whole will benefit from. Not to say that there will not be concerns or that there are not concerns that need to be addressed, that need to be articulated, that need to be ventilated and that need to be mitigated.

So, it is my hope and expectation that the Government will, with the support of the Opposition in asking whatever questions they feel necessary to do so, that we will help to educate our people about what this change will mean so we had better prepare the people for the upcoming 2017 elections and beyond.

Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Final call, does any other Member wish to speak?

If not, I will call on the Honourable Premier if he wishes to exercise his right of reply.

**The Premier, Hon. Alden McLaughlin:** Thank you, Madam Speaker.

Madam Speaker, I want to start by thanking all Members who have spoken, whether in favour or against the Motion, for their contributions to this very important national debate. It is an important part of the democratic process that all of the possible positions are properly ventilated, and that the country benefits as a result of that debate. Otherwise, Madam Speaker, we might as well have a system where all it

amounts to is that someone or some ones just make the decisions and that is the end of the matter.

Madam Speaker, in the end it seems neither the elected Member for East End nor the [elected] Member for North Side were or are interested in the debate on the substantive Motion. Their contributions have been limited (in the case of the elected Member for East End) to very extensive debate on the merits or demerits of the Motion as it relates to their proposed changes.

Madam Speaker, I doubt if anything I say further is going to have much impact on the seemingly intractable position that the two Members have with respect to the Motion. But I do think it is important that I reiterate what the Government's position is, in our view, in our considered view, and the view that we have formed based on proper legal advice, what the effect of the various sections of the Constitution that have been discussed amount to.

The first position, Madam Speaker, is that, contrary to the assertion which was made by the two Members (in the case of the Member for East End many times) that we are seeking to increase the membership of the House to 19 or any other number, it is clear from the Motion that there is no such proposal by the Government.

Madam Speaker, the recitals in the [Motion] which the elected Members for East End and North Side have complained about, particularly the fifth recital which recites section 60(2) of the Constitution, is simply lifted from the Constitution. It has no paraphrasing from myself or anyone else. And it simply recites what the Constitution says; that the Constitution provides that a law may be made to increase the number of elected Members of the Legislative Assembly but that no such law can take effect until the Governor has appointed an Electoral Boundary Commission and they have produced a report to take into account the proposed additional elected members.

Madam Speaker, we put that in there for the sake of completeness to ensure that everyone understood that any increase in membership of this House requires a substantive law and it also requires the carrying out of an Electoral Boundary Commission. There is no assertion in the Motion anywhere by us, or any proposal, for any increase in membership.

The fourth recital, Madam Speaker, that is complained about which simply says: “**AND WHEREAS section 89 of the Constitution provides that an Electoral Boundary Commission shall, as soon as practicable after its appointment, review the boundaries of the electoral districts into which the Cayman Islands are divided. And taking into account the changes or proposed changes, if any, in the number of electoral districts or of elected members of the Legislative Assembly, shall submit a report to the Governor and the Legislative Assembly containing its recommendations for any changes in the number and boundaries of the electoral districts.**”

Madam Speaker, that is the precise wording of the Constitution. We have not done a single thing to it. So, whether it appears in this Motion or does not appear in this Motion, it is a binding as ever. So, Madam Speaker, I don't know what the issue is with respect to that.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** And, Madam Speaker, the second resolve section provides as follows: “**AND BE IT FURTHER RESOLVED THAT following the making of an Order by the Governor, pursuant to section 89(6) of the Constitution, for the determination of the boundaries of the electoral districts of the Cayman Islands, the Government thereafter submits to the Legislative Assembly a Bill to make the necessary amendments to the Elections Law (2013 Revision) in accordance with the said Order to enable the establishment of single member electoral districts in the Cayman Islands, with each elector having one vote;**”

Madam Speaker, I have turned this over in my mind time and time again. I have consulted with some of my colleagues. I have consulted with the Attorney General, and none of us can find any possible basis for a complaint about that resolve section.

In fact, Madam Speaker, we would have thought that the Members for East End and North Side would have welcomed a commitment by the Government to bring a Bill to amend the Elections Law in accordance with the Order made by the Governor. Because that is what they have been asking for in the two motions which they have filed—for the Government to bring a Bill to amend the Elections Law. If we did not put in that kind of a resolve section, we would have heard the complaint that, *Well, the Government is not serious; they are just going through the motions. Where is the commitment that they are going to actually amend the Elections Law?*

Without an amendment of the Elections Law, none of the rest of this process is going to have much effect, because it is the Elections Law in conjunction with the Constitution that governs the electoral process.

But I believe, Madam Speaker, again, this demonstrates the sort of basic lack of understanding of what the constitutional provisions actually mean. And it is a representation of the fear that the Members for East End and North Side seem to have of the possibility of East End and North Side being combined.

*[Inaudible interjections]*

**The Premier, Hon. Alden McLaughlin:** And, Madam Speaker . . . I've sent the cat among the pigeons again.

But, Madam Speaker, none of that is being proposed by the Government in the Motion. And the Members for East End and North Side ought not to let

their paranoia about this issue cloud their judgment and cause them to misinterpret what are the very clear words of the constitutional provision.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I've heard the Elected Member for North Side say that unless the amendments which they proposed were accepted, he is going to vote against the Motion.

Madam Speaker, I guess we will have to wait and see if that is the case. But there would be a certain irony about a Member who has campaigned for the last (I would say) three or four years, consistently, for a move to single member electoral districts who would, when a Government (because he was a member of a Government too that did not bring it) finally has the spine and resolve to bring such a motion, that he would vote against it.

But we will see, Madam Speaker. We will see in due course, no doubt.

*[Inaudible interjections]*

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, the final point is this concern that they have articulated that the Motion does not specify that the Government is desirous that the Cayman Islands be divided into 18 single member electoral districts.

Madam Speaker, I went through this at the start when I introduced the Motion, and I pointed out that the Constitution presently prescribes 18 elected seats for the Legislative Assembly, plus the two official seats, and the position of Speaker (which is not an additional seat because the Speaker can come from outside the House). And in section 60 it provides that a law may be brought to increase the membership of the House.

And then there is the provision which I referred to a while ago saying that before it can come into effect it has to be preceded by essentially the Electoral Boundary Commission report and Order from the Governor. But, Madam Speaker, there is no need to specify in the Motion how many single member electoral districts. The Government is not proposing another seat. If we were we would have said so. But I come back to the point that I have made (as we say in Cayman) over and over in the course of this debate this morning and this afternoon, is that the Members for East End and North Side do not accept, or do not seem to accept, the constitutional provision which says that the Electoral Boundary Commission is an independent body and that no one can direct it what to do.

In section 88(9) (I will read it again) it says: **"In the exercise of its function under this Constitution, an Electoral Boundary Commission shall not be subject to the direction or control of any other person or authority."**

So it operates within the parameters of the constitutional mandate it has. And it is entitled to have regard to proposals—*proposals*—made by this House or other people. But it is not required to accept those proposals. And no matter what is proposed by us, in the end as long as they are following the constitutional mandate, they are entitled to make whatever recommendations they see fit.

It is then a matter for the House, once the draft order is brought, to decide whether those recommendations are to be accepted or not. But it does not lie in the mouth of any Member of this House, or even the Governor herself, to tell the Commission what recommendations it is to make. That is a point that cannot be made too strongly. And it is important that the Members for East End and North Side understand that even though they are representatives of their districts, they are not in a position to direct or control the Electoral Boundary Commission's functions. No one is.

Madam Speaker, that is why section 89 of the Constitution provides for the draft order, which the Governor would make on the basis of the report, being subject to modification. And if I, as Premier, on the basis of the position taken by my caucus, disagreed with some of the recommendations, we would be entitled (through me as Premier) to bring a draft order to the House with modifications to address the concerns which we have, as long as I provide a statement to the House as the basis for those modifications. The House would then vote 'Aye' or 'No' with respect to the draft order and the statement.

So, there is a process built into the Constitution to take into account what the elected Members of this House may feel about the Electoral Boundary Commission's report. There is a process which allows Members to make proposals. But it is not the role of Members of this House to try, as the elected Members for East End and North Side keep suggesting, to direct or control the functions of the Electoral Boundary Commission. It would be unconstitutional to do so.

#### POINT OF ORDER

**Mr. V. Arden McLean:** Madam Speaker, on a point of order.

**The Speaker:** Please state your point of order Member.

**Mr. V. Arden McLean:** There has been no time that I have tried to direct the functions of the Electoral Boundary Commission. I have said they need to be given terms of reference. Now, after those terms of reference are given, then no one—*no one*—can direct them on how they go about it. The Constitution makes it very clear. And I think the Premier needs to stop that.

**The Speaker:** Honourable Members, as I recorded and as I take cognisance, the Honourable Premier to this juncture has indicated that the Members for East End and North Side cannot direct or control the EBC, and that if—and that is the operative word—they did, it would be unconstitutional. He has not yet reached to the point where he has stated that you are or are desirous of directing them.

*[Inaudible interjection]*

**The Speaker:** Honourable Premier, please continue.

**The Premier, Hon. Alden McLaughlin:** Thank you, Madam Speaker.

To pick up on the point about the terms of reference, the terms of reference are proposals. As long as it is accepted that the terms of reference are, in effect, proposals to the EBC, then that is perfectly in order.

Madam Speaker, shall I demonstrate by having a quick look at the report from 2010?

**The Speaker:** Please proceed.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, the report of the Electoral Boundary Commission from 2010 (I am just trying to make sure I get the names correct of who were the Commission). It was Mr. Carl W. Dundas as chairman, Mr. Norman Bodden as a member and Ms. Adriannie Webb as a member. And this report is called the 2010 report, but I am not sure exactly what month it was delivered.

But in the preliminary part of the report, section 4 is called the “**Interpretation of Mandate**”. I am going to read it word for word on page 2 of the report: “**Unlike the terms of reference (TOR) of the 2003 EBC which required that the Cayman Islands should be divided into seventeen single-member constituencies, the TOR of the current EBC requires the EBC to review the electoral district boundaries and submit a report to the Governor and the Legislative Assembly containing its recommendations for changes in the boundaries of the electoral districts with a view to the Legislative Assembly consisting of eighteen elected members, with at least two members being allocated to the Sister Islands of Cayman Brac & Little Cayman. The TOR does not require the EBC to recommend single-member constituencies. The EBC can of course take the issue of single-member constituencies as an option, as well as multi-member constituencies with a combination of single-member, where practicable. The Commission’s mandate is set out in full in Annex 1 hereto.**”

The point of my reading short section is to say that despite what the terms of reference say, it is still open to the Commission.

**Mr. V. Arden McLean:** What about 2003?

**The Premier, Hon. Alden McLaughlin:** It is still open to the Commission to make the recommendations which they think are necessary and appropriate.

So, this Government only made one proposal. The Motion only makes one proposal, and that is that the Cayman Islands is divided into single-member electoral districts. We did not specify how many. We know that there can be a minimum of 18. Constitutionally, that is set. But it will be a matter for the Electoral Boundary Commission to decide whether they feel, given all of the circumstances, that there ought to be another electoral district. We are not proposing that. We are not proposing another seat. But what we are not doing is trying to circumscribe their discussion and conclusion on this issue.

Now, that, Madam Speaker, I know does not sit well with the Members for East End and North Side, but that is the position that the Government has taken. And we have spent a long, long time, thinking and talking about this matter, Madam Speaker, and we are settled and comfortable in the position that, let the Electoral Boundary Commission look at thy situation, look at the numbers of voters in East End and North Side, how small they are. Look at—

**Mr. V. Arden McLean:** Cayman Brac too.

**The Premier, Hon. Alden McLaughlin:** —the significant increase in the electors over the course of the last three years and come to their own view about the number of electoral districts. We can, as a House, accept it or reject it. It is their report; but it is our decision. That is the way the Constitution has set the system up and we say let the EBC go and do their work.

Madam Speaker, I hope that that has addressed the concerns which have been raised by the Members for East End and North Side.

I think there was a suggestion, although I was not in the Chamber at the time . . . I am told there was an observation (may I say it that way?) by the Leader of the Opposition that perhaps the specific number of districts ought to have been included as well. So, I hope that that has gone at least some way to address those concerns, to assure the country and the Members for East End and North Side that there is no underhandedness going on, that the Government is not proposing anything but what is in the Motion, and that is the division of the Cayman Islands into single-member electoral districts.

We are not proposing an additional seat; we are not proposing an additional district. It is a matter for the EBC to look at all of the circumstances and make their recommendations.

Madam Speaker, this is one of those very important points in the life of the country—not just the life of this Legislative Assembly. This issue of single-member electoral districts—single-member constituencies they have been called for most of the time I have been around. I dare say *one man one vote* has never sat well with me because I always felt the wom-

en should be allowed to vote too. But the concept of equal suffrage has been discussed from almost the time I came to the House of November 2000. And we are at this critical juncture this evening when this House is to vote to make this a reality.

I am honoured and privileged to be leading the Government that has had the courage, the foresight and the resilience to battle through the political storms that we have had to encounter over the course of the last 14 months to reach this point. I do hope, Madam Speaker, that when the vote is called we can rely on . . . I won't say every Member, because that would be disingenuous. The Leader of the Opposition has made his position clear, for as long as I know, that he does not support it. But I do hope we can rely on the other 16 Members of the House to support this very, very important Motion. And, Madam Speaker, I commend the Motion to the House.

**The Speaker:** The question is: BE IT THEREFORE RESOLVED THAT the Legislative Assembly agrees that the Governor should be invited, in accordance with section 88 of the Constitution, to appoint an Electoral Boundary Commission;

AND BE IT FURTHER RESOLVED THAT following the making of an Order by the Governor, pursuant to section 89(6) of the Constitution, for the determination of the boundaries of the electoral districts of the Cayman Islands, the Government thereafter submits to the Legislative Assembly a Bill to make the necessary amendments to the Elections Law (2013 Revision) in accordance with the said Order to enable the establishment of single member electoral districts in the Cayman Islands, with each elector having one vote;

AND BE IT FURTHER RESOLVED THAT the process be completed in good time so as to ensure that the General Elections due in 2017 are conducted on the basis of single member electoral districts with each elector having one vote.

All those in favour, please say Aye. Those against, No.

**Ayes and one audible No.**

**The Speaker:** I believe the Ayes have it.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, may we have a division?

**The Speaker:** Madam Clerk, please call a division.

**The Clerk:**

#### Division No. 20

#### Ayes: 12

Hon. Alden McLaughlin  
Hon. Moses I. Kirkconnell  
Hon. D. Kurt Tibbetts  
Hon. Osbourne V. Bodden  
Hon. G. Wayne Panton

#### Noes: 2

Hon. W. McKeever Bush  
Capt. A. Eugene Ebanks

Hon. Marco S. Archer  
Hon. Tara A. Rivers  
Hon. Anthony S. Eden  
Mr. Winston C. Connolly  
Mr. Roy M. McTaggart  
Mr. Joseph X. Hew  
Mr. Alva H. Suckoo

#### Absent 1

Mr. Bernie A. Bush

#### Abstentions 2

Mr. D. Ezzard Miller  
Mr. V. Arden McLean

**The Speaker:** The result of the division is: 12 Ayes, 2 Noes, 2 Abstentions and 1 Absent. The Motion is carried.

**Agreed by majority on division: Government Motion No. 1/2014-2015 Cayman Islands Constitution Order 2009 (Electoral Boundaries) passed.**

**The Speaker:** Can I have a motion for the adjournment, Honourable Premier?

*[Applause]*

## ADJOURNMENT

**The Premier, Hon. Alden McLaughlin:** Thank you, Madam Speaker.

Madam Speaker, before I move the adjournment of this honourable House, I just have to note that this is indeed a signal movement for the Cayman Islands, and I cannot help but note that only the Government which I lead has actually voted in favour of the introduction of single member electoral districts and the concept of one person one vote.

Madam Speaker, with those few words, I move the adjournment of this honourable House until 10:00 am tomorrow.

**The Speaker:** The question is that this honourable House do now adjourn until 10:00 am tomorrow.

All those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**At 6.22 pm the House adjourned until 10:00 am, Thursday, 11 September 2014.**

