

# SAVE GUANA CAY REEF ASSOCIATION

## PRESS RELEASE

### Supreme Court orders judicial review against Prime Minister Christie

April 5, 2005

Upon the application of Save Guana Cay Association by their Counsel, Frederick Smith, Justice Stephen Isaacs, in the Supreme Court in Freeport, ordered that leave be granted to issue judicial review against Prime Minister Christie, as Minister responsible for Crown Lands, Wendell Major, as Secretary to the National Economic Council, and the Treasurer of the Bahamas.

Mr. Smith said **“The Prime Minister and Allyson Maynard-Gibson cannot just slice 1/3 of Guana Cay and give it away to foreigners. The Bahamas - our Crown Land! - does not belong to Perry Christie or Allyson Maynard-Gibson! If they want to give it away for free, there must at least be a debate about it in Parliament! The Bahamas belongs to Bahamians! Not to Perry Christie to give away for free!”**

The Court proceedings are the culmination of the recent protests by the residents of Guana Cay complaining about the deplorable treatment received by them at the hands of the Government in granting permission to a foreign company to slice off one-third of Great Guana Cay to develop An exclusive foreign \$500M project which would destroy the marine and land environment and the intimate heritage and culture of the Northern Abacos.

The judicial review proceedings fall into 5 grounds. 1stly, Wendell Major, who purportedly entered into the Heads of Agreement on behalf of the Government had no power or authority to do so because the National Economic Council does not exist. 2ndly, the decision to enter into the Heads of Agreement was irrational. 3rdly, insofar as the Heads of Agreement purported to bind the Government and its agencies, it improperly fettered the statutory authorities of their discretion. 4thly, the residents of Guana Cay had a legitimate expectation of full, frank and proper consultation prior to the Heads of Agreement being entered into which was not met. 5thly, the Development would destroy the marine and land environment.

The residents of Guana Cay satisfied the Supreme Court that they had a real and substantive interest in the matter concerned and that the application was not frivolous, vexatious, hopeless, misconceived or groundless.

Save Guana Cay submitted that the National Economic Council does not exist and could therefore not bind the Government. The application was made on the basis that no rational government could come to the decision to enter into the Heads of Agreement, especially having regard to the catastrophic environmental degradation which would occur.

In addition, it was submitted that Cabinet, through the National Economic Council could not divest Ministers, Parliament, or other statutory bodies of the powers vested in them by law.

It was submitted that there was complete failure to properly consult and, indeed, that the Prime Minister's Office **deliberately** sought to discourage public consultation prior to final approval and that this was unlawful.

The judicial review application consists of over 35 pages and is supported by the Affidavit of Troy Albury, a Guana Cay resident, which exceeded some 300 pages in exhibits.

The application seeks declarations that the National Economic Council could not bind the Government and the Heads of Agreement was therefore void and was of no effect. It seeks prohibition against the Prime Minister and the Treasurer from disposing of the 150 acres of beachfront Crown Land being given away. An Order of Prohibition is also sought to stop the Government from granting the concessions, permits and exemptions contained in the Heads of Agreement.

The Guana Cay Association also seeks an order of mandamus directing the Government to “**conduct the process of full and proper public consultation prior to the granting or issuing of any leases, approvals, permits, rights, concessions, exemptions or grants**”.

**Save Guana Cay Reef Association**

**Frederick Smith**