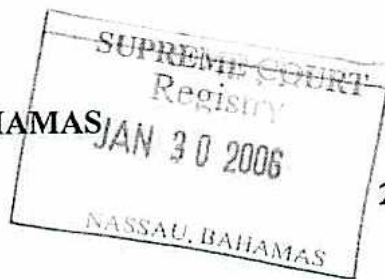


COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Public Law Division



2005/PUB/jrv/FP/# 5

IN THE MATTER of an application for judicial review

BETWEEN:

THE QUEEN

and

WENDELL MAJOR  
AS SECRETARY TO THE NATIONAL ECONOMIC COUNCIL

First Respondent

THE MINISTER RESPONSIBLE FOR CROWN LANDS  
In the person of The Honourable Perry Gladstone Christie, Prime Minister of The  
Commonwealth of The Bahamas

Second Respondent

THE TREASURER OF THE BAHAMAS

Third Respondent

Ex parte

SAVE THE GUANA CAY REEF ASSOCIATION LIMITED

The Applicant

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AFFIDAVIT

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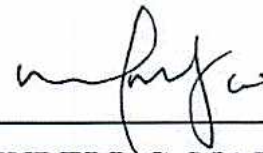
I, WENDELL G. MAJOR, of the Western District of the Island of New Providence, one of the Islands of The Commonwealth of The Bahamas, make oath and say as follows:

1. I am the Secretary to the Cabinet of The Commonwealth of The Bahamas, having been appointed to that post on the 1<sup>st</sup> September 1999 pursuant to Article 113 of the Constitution of The Bahamas and by Order of the Governor General, dated the 6<sup>th</sup> August 1999.
2. I am also the Secretary to the National Economic Council (NEC) by virtue of my appointment as Secretary to the Cabinet.
3. This affidavit is supplemental to my affidavit sworn and filed on the 3<sup>rd</sup> of May 2005 in the matter herein on behalf of the Respondents. I am duly authorized to make this affidavit and do so from knowledge acquired by me in the aforesaid employment capacities.
4. The meeting of the NEC at which the Heads of Agreement for the Guana Cay Development Project was agreed was held on the 22<sup>nd</sup> day of February 2005, and the deliberations and conclusions were recorded by me, acting in my dual capacity as Secretary to the Cabinet and Secretary to the National Economic Council.
5. The business at the said meeting was duly transacted and the decision duly taken in accordance with Articles 86 and 87 of the Constitution of The Bahamas.
6. The said meeting was attended by all Cabinet Ministers, with the exception of the Minister of State for Finance.
7. All of the Ministers with responsibility for taking any steps pursuant to all relevant statutes or otherwise to give effect to the provisions of the Heads of Agreement participated in the deliberations, including the Prime Minister, in that capacity and as Minister of Finance and Minister

Responsible for Crown Lands; the Minister of Financial Services and Investments; the Minister of Works, in that capacity and as the Minister Responsible for Roads; and the Minister Responsible for Local Government.

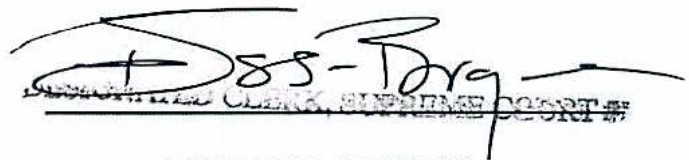
8. That on 1<sup>st</sup> March 2005, I signed a Heads of Agreement on behalf of the Government of The Bahamas regarding the Guana Cay Development Project, and that the date of 11<sup>th</sup> March 2005 contained in paragraph 9 of my affidavit of 3<sup>rd</sup> May 2005 is incorrect.
  
9. That the contents of this Affidavit are true and correct to the best of my knowledge, information and belief.

SWORN at Nassau )  
The Bahamas )  
On this 30<sup>th</sup> day of )  
January, A.D., 2006 )



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WENDELL G. MAJOR

BEFORE ME



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NOTARY PUBLIC

NOTARY PUBLIC