

# Dr. Brown Attacks Shameful Denials on “Witch Hunt” Costs

Former Premier of Bermuda, Dr. the Honourable Ewart Brown, has described the fact that no one is prepared to accept responsibility for spending over \$2.2 million on a 6-person, full-time police unit dedicated solely to prosecuting him as “shameful”. Dr. Brown says that it is clear the investigation has cost the taxpayer ‘so much more’:

“\$2.2 million is the admitted cost between 2013 and 2016, revealed by a Royal Gazette PATI request. How much money and manpower can we assume was wasted between 2011 and 2013? How much more money will be wasted? Who is in charge?”

Earlier this week, Senator Woolridge issued a press release in an attempt to distance the OBA Government from the ridiculous expenditure and stated ‘...this is a Government House initiative, and not one of the Government, or indeed the OBA’s.’

Governor George Fergusson, in a televised interview a few days later about the investigation of financial allegations in Bermuda, said: “These things are above all for the Police to investigate and the prosecutors to work out whether they can bring a prosecution to bear... My job is to



make sure these investigations don’t have unreasonable obstacles and to help obstacles be taken away...”

Dr. Brown went on to question who is in charge, and to challenge all of those in authority to “man-up”. Dr. Brown said:

“The fact is that the OBA does have control over the Police budget. This OBA Government is directly responsible for presiding over throwing away taxpayers’ money at a

time when crime in Bermuda is at an all-time high, when the Police themselves have had their budget slashed and received redundancy notices, when our elderly need medicine, our children’s schools need repair, people need jobs and our families need help. At what point will the Premier stand up for the people of Bermuda and say that no more taxpayer money will be allocated for this senseless pursuit?

The fact is that the Governor is culpable beyond being an

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obstacle-remover. It was a Governor who started this investigation. At what point will the Governor say to the Police that enough is enough? If the Police have not found any clearly prosecutable evidence of criminality after investigating for over 5 years; spending well over \$2.2 million dollars (including \$168,000 on accountants), and; having 6 law enforcement professionals do nothing else but investigate one man while murderers and robbers are on the loose and gangs are running rampant, what is the point?

The fact is that the Commissioner of Police owes the taxpayers some answers after 5 years. After spending all of this time and all of this money, can the Commissioner of Police at least tell the public whether the Police were able to substantiate David Bolden's allegations? Can the Commissioner tell the public who is the Minister clearly implicated in the allegations, and whether charges will be brought against the Minister? What is the status of the specific allegation that David Bolden brought against Dr. Brown that started all of this? Isn't the public owed some information after 5 years and over \$2.2 million? As of now, all we have are unfounded, senseless allegations aimed at my medical clinics and an illegal arrest of my Medical Director -- Is that what has consumed all of this Bermudian taxpayer money? At what point will the Commissioner of Police tell the Bermuda public something substantive?"

In concluding, Dr. Brown quoted Mark Twain, the famous author and frequent Bermuda visitor, who said: *"It ain't what you don't know that gets you into trouble. It's what you know for sure that just ain't so."*

Dr. Brown believes that the reason for the long, expensive witch hunt is that it started in bad faith – that those looking or directing the looking were convinced he was a criminal, so they used the Bolden allegations as an excuse to search high and low for a crime.

"They knew for sure that I was a criminal, but they cannot find a crime. They will not find a crime, because I have not committed a crime. So, where will this end? Does the Governor feel obliged to continue? Does the Commissioner of Police feel bound to have to 'come up with something' in order to justify spending millions of dollars?, questioned the former Premier.

"I challenge the Governor and the Premier to take charge of this – not the Police investigation which they both claim they do not control. I challenge the Governor and the Premier to take charge of the expenditure of the Bermudian taxpayer dollar – to assume responsibility for these expenditures that are absolutely ridiculous in light of all of the challenges that Bermuda faces and when compared to the fruitlessness of this investigation that has morphed into a relentless persecution," added Dr. Brown. "The Premier owes a duty to the taxpayer to explain why he has allowed this tremendous drain on public resources that Bermuda can ill afford. And, the Governor must state just how much more he is prepared to commit to this witch hunt.

Dr. Brown concluded by saying "It is bad enough that this money has been wasted, but it is shameful that the people in authority appear to accept no responsibility whatsoever."

## THE WORKERS VOICE

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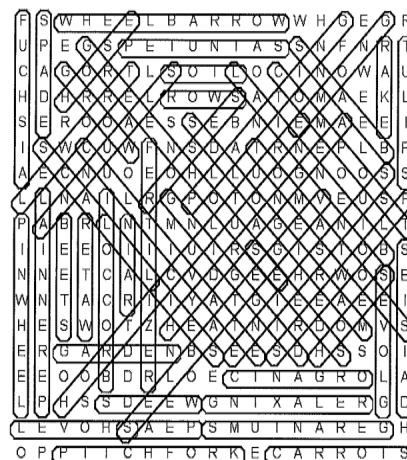
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## PUZZLE • SOLUTION

### GARDENING



ANNUALS	GARDEN	ORGANIC	SEEDS
BEANS	GERANIUMS	PEAS	SHOVEL
BEETS	GLOVES	PERENNIAL	SOIL
BIENNIAL	GNOME	PETUNIAS	SPADE
BROCCOLI	GREENHOUSE	PINWHEEL	SUNSHINE
CARROTS	GROW	PITCH FORK	TOMATOES
COMPOST	HOES	PLANTING	TROWEL
CULTIVATE	HORTICULTURE	RAKE	VEGETABLES
DAISIES	HOSE	RELAXING	WATER
DIGGING	HYDRANGEA	ROSES	WEEDS
FERTILIZER	LILACS	ROWS	WHEELBARROW
FLOWERS	LILIES		
FUCHSIA	MARIGOLDS		

The hidden message is: WHERE FLOWERS BLOOM SO DOES HOPE

# Time For The Acrimony in the PLP To End

In my opinion, members of the Bermuda Progressive Labour Party would do well to remember the motto of the Bermuda Industrial Union, "United We Stand, Divided We Fall" and take it to heart. As I see it, it is time for the acrimony between members of the Party, and I'm talking about MPs, Senators and ordinary members to end.

Certainly every member of the PLP should know by now that in order to be victorious at the polls at the next election, there must be unity at Alaska Hall. That is not to say that members cannot disagree, but as I see it we do not have to be disagreeable to disagree. Surely, in our families we do not always agree with decisions made by other family members, but that does not mean that we abandon those family members, rather we will agree to disagree and move on.

As one of the elders in the Party, I cannot and will not forget what happened in 1985, when the PLP was on the cusp of winning an election for the first time since it was founded twenty-two years prior, and a difference of opinion amongst members caused the Party to be split asunder. I said then to then Party Leader, the late Dame Lois Browne-Evans, and I will say now to the current leader, the Hon. Marc Bean, why not sit and talk and come to a mutual understanding. In order to win the next election, the PLP needs all hands on deck. As I see it, there is no one member of the Party more important than the other. We all have our roles to play.

According to "Our Rich History" as documented on the PLP's website, "Another snap General Election was called by then Premier Sir John Swan in November 1985. A small, but determined PLP contested eighteen of the twenty constituencies, offering 30 candidates. The split had affected the electorate and this was reflected in the Party's further loss of seven seats and only 31% of the votes casted." Surely none of us who are members of the PLP want to see history repeat itself at the next election. It is my prediction that history will repeat itself if there is not a huge change in the hearts, minds and attitudes of each member of the Party.

It is no secret that the One Bermuda Alliance (OBA) is experiencing problems, however, unlike some members of the PLP, their problems do not become public knowledge, in other words, they do not "hang their dirty laundry out for all to see".

Last week Thursday (July 20, 2016) I was so disgusted, disillusioned and dismayed by something that I read on Facebook by a member of the PLP that I wrote the following:

"Let me say this here and now. I've been a member of Bermuda Progressive Labour Party for over a half century. I've served on various committees and in various executive positions. I've been a candidate for the PLP on three occasions, and on two of those occasions, many PLP supporters were hesitant to let it be



known publicly that they supported the PLP. I have written numerous letters to editors of Bermuda's newspapers in support of the PLP. I've written hundreds of column inches by way of opinion columns, either in the Bermuda Times or the Workers Voice in support of the PLP

I have personally canvassed in various constituencies asking voters to support the PLP. I have been refused employment because of my public support of the PLP. For 11 years I worked as the "Secretary to the Opposition Leader" (Dame Lois Browne-Evans) and while I received a salary during that time, I received no benefits towards my personal pension plan.

I have not agreed with every decision made by the PLP leadership. In fact, Dame Lois Browne-Evans and I "had it out" on more than one occasion, but my respect for her remained until her death, and even after.

I was appointed to the Senate by the then Leader of the PLP, the Hon. Paula Cox, along with Brother Cromwell Shakir, and both of us were "disappointed" to be replaced by

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# Bermuda Health Foundation Presents Scholarships



(LtoR) BHF Board members, Vincent Hollinsid and Charles Brown, Alesha Page's father, Melisseanna Gibbons' mother, Rebekha Simons, BHF Board members Dr. Ewart Brown and Philip Butterfield.

On Friday, June 17, 2016, at their 14th Annual Salute to Service Awards Luncheon, Bermuda Health Foundation (BHF) presented scholarships to three Bermudian students studying for careers in the healthcare field. The scholarships, worth \$7,500.00 each were awarded to the following students:

## **Melisseanna Gibbons**

Melisseanna is a student at St. George's University in Grenada. A graduate of Saltus Grammar School and later La Sierra University in California, Melisseanna's goal is to become a pediatrician with a potential subspecialty in Gastroenterology.

## **Alesha Page**

Alesha Page was the first home-schooled student to give the commencement speech at the Bermuda College when she graduated in 2011. She was awarded a Bachelor of Science degree in Biology by Emory University in Atlanta, Georgia and a Master of Science Degree in Bioethics by the University of Sydney in Sydney Australia.

## **Rebekha Simons**

Rebekha Simons was one of 108 students who recently graduated from Bermuda College, an Associate of Arts Degree with a concentration in

Psychology. In September 2016, Rekekha will enter George Mason University in Fairfax, Virginia where she plans to study for her career as a counselor, concentrating in Marriage and Family Therapy and Addictions Counseling.

This year, the Bermuda Health Foundation honoured Mr. John Wight, President and CEO of BF&M Insurance Group for his contribution to the industry in particular, and to the Bermuda community generally. Mr. Wight is also the President of the Bermuda Chamber of Commerce. ■

## Bermuda Hospital Board awards certificates to three culinary students

Bermuda Hospitals Board (BHB) recently announced the successful completion of its first culinary internship by three Bermuda College students; Jay-Onni Outerbridge, Farah Ming and Chioma Lawrence.

The program began this year after BHB Hotel Services Manager Jerome Swainson and Food Services Manager Lynn



Trainee Chefs: Farah Ming (granddaughter of Brother George Scott, BIU Chief Organiser), Chioma Lawrence and Jay-Onni Outerbridge.

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# The British Vote to Leave the EU



## THE OTHER ALTERNATIVE



BY ALVIN WILLIAMS

It was never thought that the slogan “Brexit” was going to produce a “no-vote” vote in the recent referendum as to whether Britain should remain a part of the European community. Least of all were the political calculations of Prime Minister Cameron who reluctantly agreed to hold a referendum on the question as to whether Britain should remain a part of the EU.

He had responded to anti-EU sentiments within his own conservative government. That was the purpose of his visit to EU member states where he got concessions which he had hoped would convince the British people to remain in the EU.

But it seems that he was unaware of the depth of disagreement felt by the British people, especially when it comes to immigration and the EU policy of open borders which allowed for the free flow of labour without

restrictions in EU countries. The concern was over the thousands of would-be immigrants, mostly from Central and Eastern Europe flooding into the UK. Added to this was the prospect of other would-be immigrants trying to get into Britain from conflict areas such as the Middle East and economically depressed areas of Africa and Asia.

The British people view such a prospect with alarm as it was considered that they were losing their country to non-British people and there was great concern about the pressure being put on British social services in housing, medical and education which they considered they were being pushed out. How Prime Minister Cameron missed this is surprising, but at any rate he has paid the political price as he has lost the Brexit vote and now is forced to resign as Prime Minister.

The impact of this vote continues

to unfold. The British pound has fallen to its lowest value since the early 1980's.

With the departure of Prime Minister Cameron, Britain now has its second female Prime Minister.

The question of Scottish independence has once again come to the fore, Scotland having to remain in the EU.

Even Northern Ireland, which likewise voted to remain in the EU, although this is unlikely to come into being given the long-standing conflict between the Catholics and Protestants.

Will we continue to see a United Kingdom? That is a question that will be answered sooner than we think. And, as for Bermuda, the question as to our future will also be answered sooner than we think.

Watch this space! ■



# BHA Issues End of the Year Statement

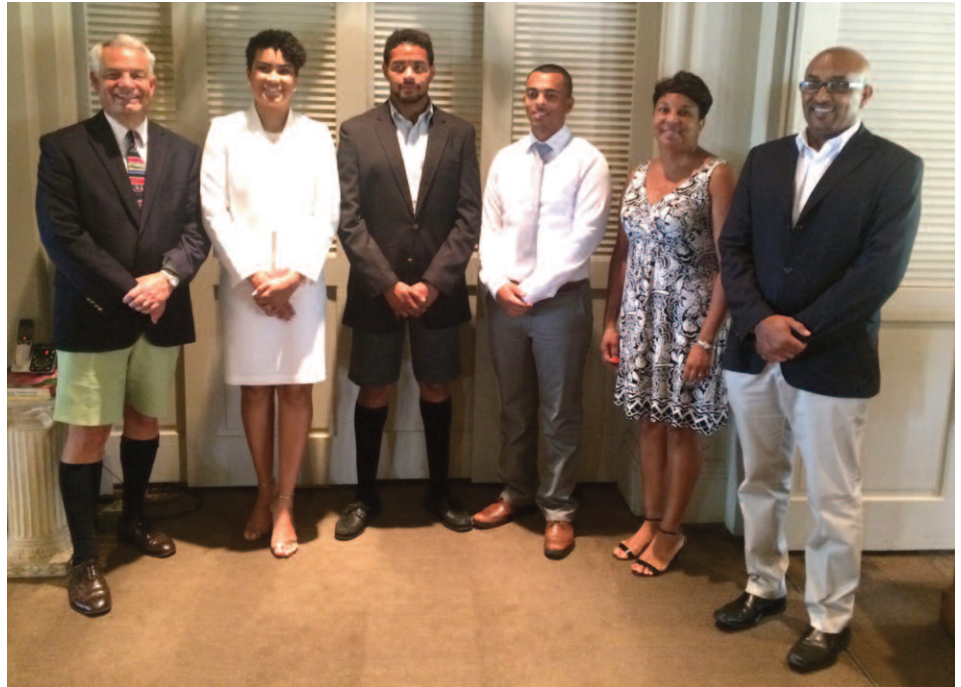
The Bermuda Hotel Association recently issued the following press release, at the conclusion of their Annual General Meeting which took place on Friday, 8th July 2016 at the Grotto Bay Beach Resort.

Mr. JP Martens during his President's report highlighted for the association members in attendance, the significant events, challenges and opportunities which took place throughout the year, wherein his remarks reflected on the following key points:

The recently announced retirement of Mrs. Muriel Richardson, General Manager, Rosedon Hotel, who is stepping down as both a former and first female BHA President, and long serving Board member after having served in a number of capacities in the hotel / hospitality industry for the past 37 years, which was effective 30th June 2016.

Mr. Martens also acknowledged that, Mr. George Terpilowski, General Manager, Fairmont Southampton and BHA Board member, who has stepped down and will be leaving Bermuda shortly to take up his new position as General Manager, of the Copley Plaza in Boston Massachusetts.

Mr. Martens thanked Mrs. Richardson for her many years of dedication, support and assistance to the industry, and our colleagues, wishing her a long and happy retirement, and extended to Mr. Terpilowski on behalf of all association



J P Martens, Chairman of the Bermuda Hotel Association (BHA); Outgoing BHA President, Kayla Williams, Yajni Durham, Ramsay Saggarr, Timeco Richardson (mother of Sajni Richardson) and Bushara Bushara, Incoming BHA President

members, best wishes for his future success in his new appointment.

Mr. Martens remarked that his final duty in stepping down at the AGM, as the longest serving BHA President for the past six years, was joined by Mr. Bushara Bushara as the new BHA President in presenting the annual BHA scholarships to the following four recipients, who were each awarded \$5,000.00, to be utilized towards their future studies in the hospitality / culinary industry.

The scholarship awardees are:

**YAHNI DURHAM** - West Virginia University studying for a Degree in Hospitality and Tourism Management

**RAMSAY SAGGAR** - Studying for his Degree in Business Administra-

tion / Hospitality Management at Niagara College

**KAYLA WILLIAMS** - IMI International Management Institute Switzerland Ltd. Majoring in a Degree in Culinary Arts Ms. Williams is also the current Ms. Hospitality

**SAJNI RICHARDSON** - Johnson & Wales University Rhode Island Campus and is majoring in Hotel Management, with a degree in Culinary Arts & Food Service Management

Mr. Martens further highlighted the following positive ongoing developments within the hotel industry:

- The final stages of the \$100 Million Dollar redevelopment and renovations to the Hamilton Princess & Beach Club, which includes, and is

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# Has the OBA Become Dependent on Lawyers?

by E. McNeil Stovell

Over the years Bermuda has seen its fair share of excellent lawyers. One such lawyer I will never forget, and that is Mr. Julian Hall.

Does anyone remember the great public debates that raged up and down Bermuda about the public's right to use tribe roads and to be able to land at the high-water mark anywhere on Bermuda's coastline?

It was at a public meeting that was being held at City Hall that I got an education on how lawyers can twist the definition of the English Language into something believable that was absolutely not about the truth. I would like to thank Mr. Hall for it was he who pointed the above out to us at that meeting.

I mention the above because it was from that meeting that I began to take an interest in just how lawyers play games with words and turn them into sentences – in fact in the above-mentioned meeting a lawyer attempted to fool the audience into believing that their concerns were understood and that at some time in the future may be acted upon. Remember, I say “may” be acted upon. If my memory serves me correctly, it was before the 2012 election that the OBA was making the most noise about open and transparent government. What has happened since then, the cat go their tongue, or was it a part of the package of lies that they had been selling us all along the way?

Since the OBA has been the government not only have they been silent on social issues and helping their friends and family in the business community, it would seem that their silence has been supported by legal advice given to them by lawyers. You know how it goes, they would say, “Don't answer any more questions until the lawyers have studied them first, if not you might just incriminate yourselves”.

It would be most impossible to believe that the blindest person has not been able to see through the many clouds of illusions and see just what the OBA is all about. It's simple, they are all about their rich friends and family. With all the blunders that the OBA has made since it has been the government, I guess it would be best for

them to get all the lawyers that they can so they can help the OBA get out of the hole they keep falling into.

It's amazing for the people of a country to find themselves governed by a government that is so over-cautious about what it says that it has become as the saying goes in the criminal justice system when the accused refuses to answer any more questions: “they are lawyered”.

As I said above, it was Mr. Hall who had made us wise as to how lawyers redefine words on the legal landscape, but imagine for a moment hearing a sentence that sounded like this “we may try and see if we can get access to the sea by way of a privately-claimed public tribe road”. Imagine for a moment that that statement came out of the mouth of a government official who should know where the laws stand on tribe roads and the high water mark. To think that the government of the day had the power to do the right thing, but either they refused to do it, or they were under the orders of some other power bloc. Could the above state of affairs be where the OBA finds themselves at this time also?

The psychological implication that such types of statement have on the minds of the public is that it would put them in an ongoing state of wait and see. In other words it would be the government who will wait and see just how long it will take them to wear the public's patience down to the point where it hopes that if they suppress the public's right to know long enough, the public will forget all about the issue and then would deliberately be put to sleep. I have always been weary of lawyers turned politicians. You see, lawyers can only do two things that would most affect your life, and that is either help or hurt you.

Now that the OBA has “lawyered-up” and have shown themselves that they cannot withstand the pressure of public scrutiny and that they intend to be evasive and hide behind the robes of lawyers. Maybe it's now time to pop the question, is Bermuda being governed by the whims of lawyers who don't give a h\*ck, who are not answerable to the people. Just asking. ■

# Consultation - The Core Issue in the debate on Comprehensive Immigration Reform

by Delroy Duncan

What is consultation and when should the Government of Bermuda consult with members of the public? The legal obligation upon the Government of Bermuda to consult with the public was the main complaint voiced by members and supporters of the People's Campaign (MSPC) during the demonstration which took place on the grounds of the House of Assembly between Friday, 11th and Thursday, 17th March 2016.

MSPC expressed anger at the Government for discussing proposals for comprehensive immigration reform with certain segments of the community, but not with others. For example, the MSPC complained that Government held a meeting with the Portuguese community at the Vasco da Gama Club on March 12th 2016; but failed to hold a meeting with MSPC.

Was this criticism leveled by MSPC against the Government fair? The Government believed it held a political mandate won at the ballot box, which entitled it to enact legislation paving the way for radical immigration reform. MSPC believe Government has a legal obligation to consult with all sectors of the community before enacting legislation that creates immigration reform, especially legislation which radically alters immigration in Bermuda for generations to come.

The following questions will clarify when the Government of Bermuda is legally obliged to consult with members of the public before enacting legislation.

- I. What does it mean to consult?
- II. When does the law impose a duty on Government to consult with the public?
- III. What is the legal definition of consultation?
- IV. Under what circumstances must a Government consult



with the public before enacting legislation?

- V. Was the Government legally obliged to consult with MSPC before enacting legislation creating immigration reform?
- VI. Postscript

## I. What does it mean to consult?

Consultation simply means to speak or communicate with someone. The Oxford English dictionary definition describes consultation as a meeting for deliberation, discussion or decision. A person can have a view of what they would like to do before they engage in

consultation on a subject with another person or party. Consultation does not mean you must agree with the person with whom you are consulting, nor does it mean you must compromise with the person with whom you are consulting.

## II. When does the law impose a duty on Government to consult?

Government is required to consult with the public on matters involving public law. In broad terms, public law is the law which regulates the relationship between the Government and its citizens. Public law is often contrasted with Private law, which regulates relationships between private citizens. Public law is also the process by which the Government is controlled by judges and the Courts. By way of example, decisions made by Government, which the Courts will review, include the fairness of the process by which immigration permits are granted, the grant of licenses to catch lobsters, award taxi permits, liquor licenses and concession or peddlers' licenses. In addition, a decision by Government to discipline a Government worker, under the Public Service Commission Regulations 2001, is also a matter of Public Law subject to the duty of fairness.

One aspect of acting fairly imposes a duty upon Government to consult with members of the public before it makes a decision which will impact or affect members of the public. This does not mean that Government must consult with the public on all decisions it makes, nor does it mean Govern-

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ment can be successfully challenged if it makes a wrong decision. However, Government can be successfully challenged in the Courts, if it makes a decision upon which the public should be consulted and the process or procedure by which consultation took place is unfair. Proper consultation with members of the public, legally entitled to consultation, is one aspect of procedural fairness.

### **III. What is the legal definition of consultation?**

In the United Kingdom legal authority *R v Brent London Borough Council ex p. Gunning* (1985) 84 LGR 168 the United Kingdom adopted a four stage test to determine if Government has conducted a fair and proper exercise of consultation with members of the public who are entitled to be consulted in the decision making process. The United Kingdom definition of consultation has been adopted into Bermuda law as noted in several decisions handed down by the Supreme Court of Bermuda. This four stage process for consultation was relied upon in *Wayne Norris Perinchief v the Governor of the Islands of Bermuda and Others Supreme Court of Bermuda Civil Jurisdiction* 1996 No:85 at page 39 and *Harry Matthie v Minister of Education* [2016] SC Civ (Bda) 59.

The four stage legal test for proper consultation known as the Gunning test, after the name of the case in which the test was devised, is a straightforward and common sense legal test designed to ensure consultation is conducted fairly.

#### **(Stage 1) Consultation must take**

**place at a time when Government proposals are still at a formative stage.**

This means that the Government cannot wait until it has identified a definite solution or answer to the question and then start the process of consultation, as it would be unfair to the public. What would be the point of consulting with the public, if Government had already made up its mind? It must start the consultation process and be prepared to change course, if persuaded to do so. It cannot make the decision in principle and then consult.

#### **(Stage 2) The person being consulted must have sufficient information on the Government proposal to permit intelligent consideration and response.**

The information or reasons given to the public by the Government must be the true reasons not incorrect or misleading. The information or reasons should include the criteria or important factors Government is considering to rely upon to make the decision. Fairness may also require the relevant documentary information be given to the person consulted with.

#### **(Stage 3) Adequate time must be given for consideration and response.**

Adequate time must be given for the consultation process to take place, even in urgent cases. The Government cannot wait until the matter is so urgent that consultation cannot take place. A few weeks is the minimum the Courts will accept. A few days is unlikely to be sufficient.

#### **(Stage 4) The product of the consultation must be conscientiously taken into account by Government in finalising any proposals or making any decision.**

This simply means that the Government must genuinely consider what members of the public have said during the consultation process before making a final decision.

### **IV. Under what circumstances must a Government consult with the public before enacting legislation?**

There is a distinction between Acts of Parliament enacted by the House of Assembly, and Statutory Rules and Regulations made by Ministers under the authority they are given from an Act of Parliament. Acts of Parliament are the Supreme Laws which govern this island and have the force of the ballot box. The public elects a Government and gives it a mandate to enact legislation. In general terms the Government cannot be challenged by the Courts if it fails to consult the public before the enactment of an Act of Parliament. This plainly makes sense, since the Government already has its power from the ballot box to make legislative decisions. In the case of **Matthie v Minister of Education** [2015] SC Civ (Bda) 84, the Supreme Court of Bermuda decided that legislation enacted by the House of Assembly in section 7(3) of the Education Amendment Act 2015, could not be challenged or overturned due to a lack of consultation with PTAs or the Bermuda Parent Teacher Association.

Statutory Rules and Regulations made

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## UN Human Rights Council Urges Investment in Public Education

Public Services International (PSI) welcomes the new resolution adopted by the UN Human Rights Council urging States to regulate education providers and invest in public education - specifically to "address any negative impacts of the commercialization of education". The resolution was adopted by consensus of the 47 member States of the UNHRC, signalling the strength of the support for the resolution.

The resolution, which was adopted during the 32nd session of the Human Rights Council (13 June to 1 July 2016), urges all States to "address any negative impacts of the commercialization of education", in particular by putting in place a regulatory framework to regulate and monitor education providers, holding accountable providers which negatively impact the right to education, and supporting research.

"Other UN human rights bodies, such as the UN Special rapporteur on the right to education and UN monitoring bodies have already raised serious concerns regarding the explosive and unregulated growth of private education providers. This resolution adds a strong political statement from States, that cannot leave any doubt: States have human rights obligations to adequately regulate private actors and to resist commercialisation of education" explained Delphine Dorsi from the Right to Education Project.

The resolution follows up on a previous resolution from June 2015 that were addressing some of the same issues, but this time includes the need to address commercialisation in the core of the text.

Sylvain Aubry, from the Global Initiative for Economic, Social and Cultural Rights, commented: "In some countries, in particular in the Global South, private schooling has been multiplied sometimes by ten in the last decade, with commercial chains of for-profit private schools targeting poor people burgeoning in Kenya, Ghana, The Philippines and other countries. This resolution constitutes a breakthrough because it unambiguously acknowledges that the commercialisation of education raises serious human rights concerns that must be dealt with urgently."

Boaz Waruku, from the Africa Network Campaign for Education for All (ANCEFA) underlined that: "The resolution specifies that even education providers operating in partnership with States must be adequately regulated by States. This is a crucial reminder to States such as Liberia, which are considering controversial outsourcing of their education systems, to private actors that a public-private partnership cannot be a way out of their human rights obligations."

According to Javier González, a Chilean researcher from the Centre of Development Studies at the University of Cambridge, this resolution "is also crucial for the academic community. It urges us to focus and increase our research efforts on a critical social transformation, that is, the privatisation and commercialisation in education, which is putting basic human rights at risk."

In an unprecedented move, the resolution also urges States to "recogniz[e] the significant importance of

investment in public education to the maximum of available resources" and to "increase and improve domestic and external financing for education" so as to "contribute to education as a public good".

Camilla Croso, President of the Global Campaign for Education, emphasised: "The International Commission on Financing Global Education Opportunity, which is finalising its recommendations to the UN Secretary-General, must consider States' legal obligations to deliver the right to education, as recalled by the UNHRC. States must increase domestic and international financing of public education; any financing solution that could undermine the notion of education as a public good runs against international human rights law, and contrary to this resolution."

Silvia Alonso, coordinator of the Civil Advocacy Network in Education, the Mexican member of the Latin American Campaign for the Right to Education, said: "The new resolution underlines States' commitments and obligations to strengthen public education systems, which is especially important due to the growing phenomenon of privatisation of public education, that is in many cases hidden. It has been happening in Mexico and several countries in our region, and it often involves the transfer of public resources to for-profit private education initiatives."

The resolution was adopted by consensus of the 47 member States of the UNHRC, signalling the strength of the support for the resolution.

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# Muriel Richardson Retires From Rosedon

After thirty-seven years of dedicated service to Rosedon Hotel, Ms. Muriel Richardson, one of Bermuda's first female hoteliers, has retired as General Manager. In the June issue of "Rosebuds", a newsletter for Rosedon staff, Mrs. Richardson bid farewell to her "Beloved Staff".

"As my tenure as General Manager draws to a close, I want to share that working with each of you to transform Rosedon into the gem of a hotel that it is today has been my great personal and professional pleasure."

Mrs. Richardson said that there is so much that goes into making a great hotel, but one thing is for sure, having a great team goes at the top of the list.

"And I must say, that not only me, but on behalf of all of valued guests, each of you – the amazing staff of Rosedon have contributed so much. I am so proud to know that the Rosedon Family is 'simply the best'? All you have to do is read the reviews on TripAdvisor to have this confirmed.

According to Sister Ronnie Burgess, one of the organizers for the Hotel Division, Mrs Richardson was always very cordial in her approach to



matters regarding the members that the BIU represents when it came to dealing with grievances.

"There were a few difficult matters that we had to deal with and sometimes Mrs. Richardson did ask why I would feel the need to discuss these particular matters. Once she listened to how I felt the matter should be approached she would call later and say "I see your point" and would agree to deal with the matter," added Sister Ronnie.

Mrs. Richardson had many firsts during her career at Rosedon including the first female Hotelier of the Year, first and only female president of the Bermuda Hotel Association, member

of the Board of Governors of the Bermuda College, director of the Caribbean Hotel Association, member of the Bermuda Tourism Board and member of the National Tourism Action Group. She serves as the chairman of the Bermuda Hospitality Institute. She also served as a member of the Employee Assistance Programme, founding board member for the Investors in People Programme in Bermuda, founding member of the Bermuda Employment Tribunal and numerous other boards and committees where she provided invaluable expertise and insight into the industry and helped to positively position both Rosedon and Bermuda.

Sister Ronnie noted that in addition to Mrs. Richardson's retirement from Rosedon, two other long-term members of the Rosedon staff also retired recently. Sister Elizabeth "Sissy" Astwood retired after eighteen years in the Housekeeping Department and Sister Creavery Smith, retired after spending forty-four years at the hotel. According to Sister Ronnie, Mrs. Richardson ensured that the two BIU members had a good send-off with all the fanfare and tokens of appreciation for their service to the Rosedon Hotel. ■

## Time For The Acrimony in the PLP To End continued from page 3

none other than Vince Ingham and now MP Diallo V. Rabain MP.

Almost on a daily basis I receive reports from unhappy PLP members (including MPs, Senator and just ordinary people). These reports come to me via e-mails, telephone calls and sometimes via Facebook in-boxes.

At no time have I shared the information that I've received about disgruntled PLP members with the media or on Facebook. If reporters call me for my comment or opinion, my response is always the same, "No comment."

"To make a long story short, I'm seriously wondering if it's now time for

me for to divorce myself from the PLP and go it alone."

Some who read my comments asked if I was planning to vote for the OBA at the next election. Let me assure people, I will always vote PLP, but I will at times express my feelings when I believe that my Party is headed in the wrong direction. ■



# Bermuda HealthCare Doubles Its Sponsorship to PHC

Bermuda HealthCare Services [BHCS] announced that they would be doubling their annual financial contribution to Pembroke Hamilton Club (PHC); increasing their yearly sponsorship from \$10,000.00 to \$20,000.00.

Founder and Executive Chair for BHCS Dr. Ewart Brown remarked, "For seven years, it has been out pleasure to be a major sponsor of PHC. Today, we are delighted to announce that the Board at BHCS has voted to double our annual contribution."

Dr. Brown continued, "In our opinion PHC leads the way, not just in developing outstanding football players, but in developing outstanding young men and women off the field as well. We are pleased to continue our relationship with PHC and anticipate great things from this outstanding organization."

Jonathan Ball, President of PHC received the donation on behalf of the Club.

"On behalf of PHC, I would like to thank Bermuda HealthCare Services



for this investment in PHC. Because of these funds, we will be able to continue with our objective to develop well-rounded athletes." ■

## Island Construction Services Launches New Website

Island Construction Services (ICS) are pleased to announce the launch of the **www.ics.bm** website which will provide customers with a comprehensive listing of products and services offered by a local company which has continued to grow and serve the community with a diversified range of services since its inception in 1961.

ICS have always been customer driven and continually strive to improve service levels and the effectiveness of customer relations and this new website will provide ease of access to ICS's surprisingly wide range of products and services.

Customers can take advantage of the easy to use online order form which

makes the new website a one stop shop and simplifies the whole ordering process for services such as equipment rental, trenching, asbestos abatement, building materials and landscaping to name but a few.

ICS President & CEO Zane DeSilva said, "As an industry leader it is important to make information on construction solutions, services and products easily accessible to our customer base in an easy to access and informative manner."

Mr DeSilva also said, "We believe it is important for Bermuda to have a greater understanding of the diverse range of products and services provided by ICS and when people access

the website I'm sure they will be surprised at the extent of 'what we do' as well as the level of our commitment to the local community".

In particular, Mr DeSilva highlighted ICS's long established tire business which provides a wide range of quality tires for all applications at the most competitive rates on the island with fast, free fitting while you wait by qualified technicians.

Located at 79 Middle Road in Devonshire ICS is open Monday – Saturday from 7:00am to 7:00pm. Take a look at **www.ics.bm** or call us on 236-3011 and follow us on Instagram and Facebook. ■

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## Consultation - The Core Issue in the debate on Comprehensive Immigration Reform continued from page 9

by Ministers of Government are not made with the authority of the public voting through the ballot box. Ministers often have significant powers given to them in these rules and regulations. In the case of **Matthie v Minister of Education [2016] SC Civ (Bda) 59**, the Supreme Court of Bermuda suggested that in certain circumstances the Court could review and strike down Rules and Regulations made under an Act of Parliament, if persons affected by the Rules and Regulations have not been consulted.

### V. Was the Government legally obliged to consult with MSPC before enacting legislation creating immigration reform?

The Government could legitimately say any amendment it proposes to make to the Bermuda Immigration and Protection Act 1956 is an amendment to primary legislation. Government is in possession of a mandate from the public to enact legislation through the House of Assembly and, therefore, has no legal obligation to consult with any members of the public. MSPC contend that, if Government consulted with some members of the public, then it had a legal duty to consult with all members of the public who would be affected by the proposed immigration reforms. In other words, because Government consulted

with some members of the public, MSPC had a legitimate expectation that the Government would also consult with them before enacting reform legislation. Furthermore, once the Government decided to consult with certain interested members of the public, it had a duty to comply with the legal test for consultation in Bermuda. In the case of *Matthie v Minister of Education [2015] SC Civ (Bda) 84* the Supreme Court of Bermuda decided that although a consultation exercise may not be legally required, if Government commences a process of consultation with the public, it must be conducted fairly and in accordance with the four stage legal test for consultation. It seems clear that there was a sound legal basis for MSPC arguing that proper consultation must take place with all members of the public, who could be affected by wholesale immigration reform.

### VI. Postscript.

The dispute between the Government and the MSPC concluded with both parties signing a settlement agreement which mandated that a working group be created to consider the issue of wholesale immigration reform. The four stage legal test for consultation, now an established part of the law in Bermuda, was incorporated into the settlement agreement. The Working

Group comprised of representatives from Government and the MSPC. The end result is that the Working Group will implement the process of consultation the MSPC sought through the demonstration held on the grounds of the House of Assembly. ■

## Bermuda Hospital Board awards certificates to three culinary students continued from page 4

Fubler learned that as part of their training, Bermuda College culinary students were placed in various hotel and restaurants on-island.

Liaising with BHB's Human Resources Department and the Bermuda College, an internship program was quickly established. Students had to apply for placement and this year three were selected.

"A rotational schedule was designed and implemented to give the students maximum exposure to patient and staff meal preparation and service," said Mr Swainson. "I am very pleased to have been a part of the development of this program and look forward to great things to come in the future. The students represented themselves very well and we look forward our continued relationship producing a pool of trained Bermudian chefs in the culinary arts."

We consider it a privilege to have assisted in the development of our future local chefs Jay-Onni, Farah and Chioma," said BHB Assistant Food Services Manager Carol Gift. "They have challenged us to stretch our imagination just a little bit more, in ways that we normally would not have considered," she added.

continued on page 15



## UNION CORNER Magic 102.7 FM

An interactive radio show Tuesdays  
from 5:30 pm to 7:00 pm

[www.biu.bm](http://www.biu.bm)





## UN Human Rights Council Urges Investment in Public Education *continued from page 10*

Reacting to the resolution, whose negotiations were led by Portugal, the Project Coordinator of the Brazilian Campaign for the Right to Education and Lusophone Network for the Right to Education (ReLus) focal point, Maria Rehder, declared: "This resolution, which is aligned with the latest recommendations on Brazil from the UN Committee on the Rights of the Child, is an important step for all groups that integrate the ReLus to strengthen our fight against the privatization of public education at the national level."

Albertino Delgado, ReLus focal point with the Rede Nacional de Campanha de Educação para Todos de Cabo Verde confirmed: "Our network will keep making pressure on States to hold them accountable for their basic education obligations, and ask them to discourage commercialization of education and address social inequalities."

"We are now calling on all States around the world to implement their legal obligations and to follow their political commitments by stopping their financial support to commercial private schools and taking all steps to develop free, quality, public education systems. In particular, donors such as the World Bank and the United Kingdom, which have been funding commercial education providers in poor countries, must listen to the Human Rights Council and stop these detrimental practices", concluded Carole Coupez, from Solidarité Laïque, an organisation which is a leading member of the French Coalition Education and is working as part of a francophone network against commercialisation in education. ■

## BHA Issues End of the Year Statement *continued from page 6*

not limited to, the new marina, signature restaurants, beach club, state of the art spa and fitness centre, new shopping complex, and extensive renovations to guest rooms, suites and public areas of the hotel. On behalf of the association members, he thanked the Green Family, for their investment, commitment and confidence in the future of the Bermuda tourism product.

- The progression towards completion of the former Pink Beach Hotel development, which will operate under the name, "The Loren" which is anticipated to open in early 2017, which will mark the first new build and hotel development in several years.
- The recent ground breaking at the new Ritz-Carlton Hotel development at Morgan's Point.
- The recent announcement of the planned St. Georges Hotel development by St. Regis Hotel.
- The recent announcement by the Tourism & Transport Ministry of concessions granted to both the Elbow Beach Hotel and the Surf Side Bach Club, which will lead to \$38 Million Dollars renovations at each property.

- Ongoing expansion work which is underway at the Coco Reef Hotel, which will provide additional guest facilities and amenities
- Ongoing premises and facilities improvements which a number of the association members are undertaking, and have completed in order to enhance their overall guest experiences.

Mr. Martens concluded his remarks by stating that each of the industry developments clearly demonstrated the commitment and confidence which our industry partners, and association members, have in the Bermuda destination product, and as the search for a new Bermuda Tourism Authority Chief Executive Officer will be underway in the near future, it is anticipated that the new CEO will have a strong destination marketing background, that will focus and engage our collective efforts to both build on the solid foundation which Bill Hanbury has established, with the overall objective of establishing Bermuda as the international destination of choice for business and leisure travelers. ■

## Bermuda Hospital Board awards certificates to three culinary students *continued from page 14*

"It's gratifying to see Bermudians cultivating their interest in this field," said King Edward VII Memorial Hospital Chief Operating Officer Scott Pearman. "This will certainly strengthen our ability to provide greater meal selection choice in the future and could well position us such that people look forward to hospital stays because of the great meals they get.

"I am pleased on behalf of the Bermuda Hospitals Board to an-

nounce that we have awarded Jay-Onni, Farah and Chioma certificates of completion for the 12-week internship programme.

"I am also pleased to have enjoyed some of the light refreshments they prepared for today's reception and look forward to Friday when they will be joined by their fellow Bermuda College classmates and take over our staff cafeteria. They've already provided us with a mouth-watering menu for that occasion." ■

# Gardening

Find and circle all of the words that are hidden in the grid.  
The remaining 27 letters spell a Lady Bird Johnson quote.

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F S W H E E L B A R R O W W H G E G R
U P E G S P E T U N I A S S N F N R T
C A G O R T L S O I L O C I N O W A U
H D H R R E L R O W S A T O M A E K L
S E R O O A E S S E B N I E M A E E I
I S W C U W F N S D A T R N E P L B P
A E C N U O E O H L L U O G N O O S S
L L N A I L R G P O T O N M V E U S F
P A B R L N T M N L U A G E A N I L T
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N N E T C A L C V D G E E H R W O S E
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L E V O H S A E P S M U I N A R E G H
O P P I T C H F O R K E C A R R O T S
    
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ANNUALS  
BEANS  
BEETS  
BIENNIAL  
BROCCOLI  
CARROTS  
COMPOST  
CULTIVATE  
DAISIES  
DIGGING  
FERTILIZER  
FLOWERS  
FUCHSIA

GARDEN  
GERANIUMS  
GLOVES  
GNOME  
GREENHOUSE  
GROW  
HOES  
HORTICULTURE  
HOSE  
HYDRANGEA  
LILACS  
LILIES  
MARIGOLDS

ORGANIC  
PEAS  
PERENNIAL  
PETUNIAS  
PINWHEEL  
PITCH FORK  
PLANTING  
RAIN  
RAKE  
RELAXING  
ROSES  
ROWS

SEEDS  
SHOVEL  
SOIL  
SPADE  
SUNSHINE  
TOMATOES  
TROWEL  
TULIPS  
VEGETABLES  
WATER  
WEEDS  
WHEELBARROW

SOLUTIONS ON PAGE 2