



BIU and Others Show Support for Rev. Tweed

As President of the Bermuda Industrial Union, I like many in the community, was disappointed to learn that the application for a work permit for Rev. Nicholas Tweed, was refused by the Minister of Immigration.

“During our Labour Day celebrations on September 3, 2016, I brought to the attention of our members and the general public that Rev. Tweed’s work permit had not been renewed. In response to my pronouncement at that time, the Minister of Home Affairs, Patricia Gordon-Pamplin said that my statement was “incorrect and misleading”, Mr. Furbert further stated. “I also contended that in light of statements that Minister Gordon-Pamplin had made in the House of Assembly regarding Rev. Tweed when she stated that she no longer worships at St. Paul’s AME because of her dislike for the pastor, she should have recused herself from the process concerning Rev. Tweed’s work permit.”

It is no secret that Rev. Tweed, like most every other Minister who has filled the pulpit at St. Paul’s, became a friend of the Bermuda Industrial Union when he first came to



Bermuda, remembering that his father, Brother Kingsley Tweed is a former General Secretary of the Bermuda Industrial Union. Rev. Tweed joined a host of other A.M.E. pastors as our Banquet Labour Day Speaker in 2013. Other AME ministers who have spoken at our banquets include Bishop Frank Cummings, Bishop Vinton Anderson, Rev. Lorne Bean, Rev. Wilbur Lowe, Rev. Sylvester Beaman and Rev. Lanel Guyton. The BIU worships at St. Paul’s A.M.E. on a regular basis.

In addition to his role as pastor, Rev. Tweed, Brother Jason Hayward and I formed the People’s Campaign soon after he began his ministry in

Bermuda,” continued Mr. Furbert “The People’s Campaign for Equality, Jobs and Justice is a coalition of concerned people of goodwill who have joined together to give voice to the condition of the country. As a group we are concerned with the growing frustration and mistrust of the political process in view of the continued rise in unemployment, the growing gap between haves and have not’s, and the unequal burden of sacrifice being placed on the lowest and the least”.

“It’s a sad day in Bermuda when I look at all of the positive things that Rev. Tweed has done in this community, and now he has been asked to leave by the Minister of Immigration who must have the approval of the Cabinet,” said Mr. Furbert. “When I think that his father, a former General Secretary of the BIU, was “run out of Bermuda” and now some fifty years later, his son is being forced to leave the island. This is a sad indictment on Bermuda.”

Mr. Furbert said that he found it ironic that the Minister has refused to renew Rev. Tweed’s work permit, but she will soon be granting Permanent

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Commission of Inquiry An Exercise in Futility

In my opinion every sane Bermudian who has been following the Commission of Inquiry set up to investigate concerns raised by the Auditor General over the handling of taxpayers' money for the financial years ending March 31, 2010, 2011 and 2012, must agree that not only is it an exercise in futility, it is a complete waste of taxpayers' dollars. According to Premier Michael Dunkley, "The commission will identify breaches of financial instructions and how they arose. It will consider the adequacy of safeguards and the system of accountability. It will make recommendations to prevent recurrences and to mitigate financial, operational and reputational risks. It can refer any evidence of possible criminal activity, which the commission may identify, to the Director of Public Prosecutions or the police".

The fact that the mission of the Office of the Auditor General is "to add credibility to the Government's financial reporting and to promote improvement in the financial administration of all Government Ministries, Departments and other entities for which the Government is accountable to Parliament" should be enough reason as to why the Commission of Inquiry is a waste of money and a waste of time. Certainly if the Office of the Auditor General carried out their mission, there would have been no need for what I describe as an "Inquisition".

According to Dictionary.com, an "Inquisition" is "an official investigation, especially one of a political or re-

ligious nature, characterized by lack of regard for individual rights, prejudice on the part of the examiners, and recklessly cruel punishments". Certainly, after listening to Premier Dunkley when he first informed the public that there will be a "Commission of Inquiry", it became apparent to me that rather than a "Commission of Inquiry", the Premier had in fact authorized an "Inquisition", especially in light of the fact that he made it known that the "Commission" could "refer any evidence of possible criminal activity, which the commission may identify, to the Director of Public Prosecutions or the police".

The fact that the Commission was mandated to examine only one report by the Auditor General, although the report covered three years of Progressive Labour Party governance, and also to examine only two ministries, the Ministry of Works and Engineering and the Ministry of Tourism and Transport should have also provide a clue to the Bermudian people that this was indeed an "Inquisition" and not a "Commission of Inquiry". And why was the Commission not directed to cross-examine every PLP Member of Parliament who had served as a Minister? Why just former Ministers, Brown, Burgess, Cox and Lister?

Although the "Chief Inquisitor", Mr. Narinder Hargun, did all he could to brow-beat the Ministers and civil servants who testified into submission, he was unsuccessful. It was obvious to me that Mr. Hargun was



intent on getting all who took the stand, other than Senator Vic Ball, to admit that in all instances Ministers should have followed the directions/suggestions of the technical officers. Interestingly, Senator Vic Ball was a technical officer who took his own advice and gave a contract to his father. But, that's a topic for another conversation.

Thankfully, former Premier and Finance Minister, Paula Cox, set the record straight for Mr. Hargun and those civil servants and others in the community who for some reason believe that technical officers should be the ones who decide who get a government contract. Apparently even the Auditor General believed that Government Ministers should take the advice of technical officers when awarding contracts. More often than not in her reports, the Auditor General stated that Ministers refused to take the advice of technical officers when awarding contracts. According to Ms. Cox when she was on the witness stand, "The decision to approve contracts resides with the Cabinet and Cabinet should be provided with the proper information."

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Commission of Inquiry Statement by former Minister Derrick Burgess, JP, MP

Just like a hurricane, you know that it's coming but you're not sure exactly when it's going to hit, has always been my feeling about this so-called Commission of Inquiry. The eye of the hurricane named (The Commission of Inquiry) is now hanging right over our heads.

For quite some time I had been trying to get people to buy into the idea of forcing the Government to put this Commission of Inquiry in place sooner, rather than later, as well as giving it a broader term of reference than what it now has. This would make it a much fairer inquiry and would cover a broader range of issues, in that way the Commission would not look as if it was carrying out a witch hunt.

But no one brought into my concept, so there I was left howling out in the woods by myself like a lone wolf. The timing of the appointment and the tightly narrowed terms of references of this commission should not have come as a surprise to anyone having any knowledge of the game of "poli-tricks".

Let's start with the timing for calling this commission, which can only be seen as a calculated political move since an election is near, and it can be called at any time sooner or later. Thus the information that the commission will provide would make for good ammunition on the election platform or campaign trail. I don't know if it's just me or what, or maybe this is a white thing I don't know, but



why is it that whenever these commissions or boards-of-inquiry are put together, they are made up of mostly white people with what appears to be one or two token blacks propped up on the side somewhere. Is this just another one of those little flies in a large bowl of milk type like situations that are carried out just to impress some body?

And then again there is that problem with Mr. John Barritt's position on this commission. If my memory serves me correctly, and if I'm wrong will someone please correct me, but wasn't Mr. Barritt a sitting Member of Parliament for both the U.B.P. and the O.B.A.? Is this also the same Mr. John Barritt who gave up his seat in constituency No 12, to allow the now-disgraced former Premier Mr. Craig Cannonier to take his seat? The question I now ask is, what the heck is he doing sitting on that Commission? Can this be seen as nothing more than a blatant show of conflicted of interest?

Even though I have never supported either the U.B.P. or the O.B.A., I have always rendered some support for Mr. Barritt's stand on some of the issues he has strongly challenged, as well as having a rightful place on the political landscape as an elder statesman. But, now that we find him sitting on this Commission, this to me puts his credibility as a trusted lawyer statesman in some serious doubt. Mr. Barritt, please do the right thing and step away from these shenanigans, or this commission will be seen as nothing more than a political hanging or kangaroo court and should be disbanded.

The Catholic Church may have nothing to do with this Commission of Inquiry or the reasons for it being held in their hall. But it brings to mind the history of the Roman Catholic Church back in the year 1232, when they held those merciless inquisitions to rid themselves of their opponents. And to think that some of those people that were burnt at the stake were just speaking their minds and were innocent of the churches trumped-up ridiculous and outrageous charges. Oh and yes, let us not forget this one! Was the original budget for this inquiry set at \$450,000 and then all of a sudden it had skyrocketed to a big fat whopping \$1.2million. Is that to a rise of some 525%? If I'm right can that be seen as one hell of a bloated over-run; and I also take it that this will be the first time ever that a government-appointed Commission of Inquiry's findings would be made binding. ■

10 Reasons Why You Should Not Vote For the OBA At The Next Election

There is no doubt that an election will be held next year to decide which political party will form the government. The people of Bermuda should asking themselves now: Should the One Bermuda Alliance (OBA) be returned to government?

I say no and here are ten reasons:

(1) The OBA government has not put the interests of the Bermudian first;

(2) It ran an election campaign claiming that it would run a government under transparency - but as its policies have shown they are a government that governs with a total lack of transparency.

(3) "Jetgate" put Bermuda on the map as far as political corruption is concerned and had the same result as the original "Watergate" had - President Nixon was forced to resign; Bermuda's Premier was awarded with a cabinet post.

(4) Minister Fahy proved to be the most anti-Bermudian minister that Bermuda has ever seen and that is saying something given Bermuda experience over 30 years of United Bermuda party government.

(5) This same minister did away with term limits which protected Bermudian employment rights as opposed to the non-Bermudian brought in on a work permit. This came on top of the OBA failure to create 2000 jobs which was a leading election promise on the part of this Government.

(6) Not satisfied with his government's anti-Bermudian policy the minister attempted to push forward with an anti-Bermudian immigration policy which he attempted to back up with a caustic op-ed which claimed that Bermudians did not have a birth right to their own country; he

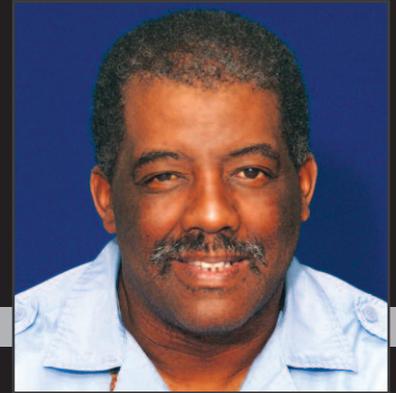
was backed up by his terrible twin in the Senate Senator Georgina Marshall who claimed that born Bermudians were accidental births. She on the other hand was granted Bermuda status, which in her eyes means that this status has more value than a born Bermudian.

(7) The Minister finally provoked an unprecedented revolt among Bermudians when they conducted a blockade of parliament and closed the house and thereby stopped the OBA government from passing this anti-Bermudian immigration law. Like another Minister in that government Minister is rewarded by being given a new ministerial post, along with a new office to boot when he refused the new office that when along with is new post.

(8) The question of economic inequality especially as it affects the black community still laboring from the reality of Bermuda's racial past, is another issue this government has not dealt with. This government is not given any indication that some special policies should be put in place to remedy this situation. The white community still dominates Bermuda's economy. And worst, seems to still be willing to use political power to block any move on the part of any would be black Bermudian developer who would venture in this direction. I am speaking of the moves of this government that overturned the contract that a black Bermudian had in his hands which would have allowed him to progress an important and lucrative economic development.

(9) The airport development which is a project that is going ahead despite the objection of a majority of Bermudians is number nine as a reason why this government should not be return to government. Bermudians do not accept that a foreign

THE OTHER ALTERNATIVE



BY ALVIN WILLIAMS

element will control our one and only national airport for 30 years or more. Canadians or Chinese if they were given the contract; something that could come to pass since the Canadians have the right to sell their interests if they see fit.

(10) Number 10 is something that has shown what this government is all about. The Finance Minister tells the Bermuda people - "**money doesn't grow on trees**" but this same government can find millions to set up the America's Cup. No matter what they say about an economic boost for the Bermuda economy, the America's Cup project still comes down to a short term period of economic development just like the PGA, which was a big event that Bermuda hosted for a few years. Today we still don't see much of an economic boost that can be attributed to Bermuda being the host of this event. In addition, although we heard that money doesn't grow on trees, we were all witnesses to the recent junket that two OB politicians took to the Olympic Games in Brazil and the thousands that it cost. And this from a government that claims that **money doesn't grow on trees**.

There you have it - Ten reasons why you should not vote for this government. ■

Commission of Inquiry Statement by former Minister Derrick Burgess, JP, MP

Concerns about the Process

Before I set out my evidence at this Commission of Inquiry (COI) I want to say a number of things which have a direct impact on these “proceedings” and which give me cause for concern about both the fairness of these proceedings and the perception of bias:

I had understood that this was an Inquiry to ascertain the facts and provide a recommendation to the Premier which might best be achieved in the usual way – by setting out the tables in a horseshoe shape with all parties seated so as to engender a sense of enquiry rather than accusation. What it looked like was a court room - a bench with the judge presiding requiring everyone to stand and bow when he takes his position as chair. There were opposing tables with the counsel for the “prosecution” and “defence” lined-up in an adversarial fashion; a witness box that was isolated and in front of the “prosecution” that has the feel of intimidation. I do not regard this as conducive to extracting the best from witnesses given the nature of this process.

I am a black Bermudian and am concerned about the racial mix of the COI relying on only two Bermudians and only one black man. Against a population mix of 60/40 black to white one might have expected this type of Inquiry to be conducted by a black Bermudian who might be better placed to understand the traits of black people in Bermuda such as how we are all inter-related by birth blood or association on such a small Island of only 60,000 odd people.

That The Hon. John Barritt JP was a former leader of the OBA, and no doubt still a strong supporter of the party, who is now sitting in judgment of former PLP members, myself included. I know John Barritt and would not accuse him of bias, however, it is not a question of actual bias, but the appearance of it that will concern many in my party and the population at large, not to mention the witnesses that are called upon to give evidence.

Sir Anthony Evans, a distinguished jurist of many years standing, stating in open court on the first day of the public witness hearings to his own counsel that one matter concerning the Port Royal Golf Club contract was “straight-forward fraud”. Such a statement leaves one with the distinct impression that the COI has already made-up its mind so that any witness will have the burden of seeking to displace that prejudgment not only in respect of the Port Royal Golf Club but in respect of all the contracts that they have largely chosen to examine.

None of the above fills me with confidence that anything I have to say will be given the credence or independent approach it deserves. Especially as my evidence as with many others is given under the compulsion of a subpoena without even being asked if we were content to give evidence voluntarily.

My Mandate in Government

In February 1998, I was elected as a Member of Parliament for Hamilton Parish as a member of the Progressive Labour Party (“PLP”). At that time,

I was already President of the Bermuda Industrial Union (“BIU”).

In November 1998, the PLP won the election and I had been re-elected, however, I remained a back-bencher.

On the 22nd November 2002 the Premier of Bermuda, The Hon. Jennifer Smith JP, who became a Dame in 2005, had to make a statement to the House of Assembly about the awarding of government contracts (appended to this statement as exhibit 1) part of which I quote herein:

Let me begin by saying only two weeks ago I reiterated the policies that underpin this Government...

Mr Speaker, I know that you are well aware that many contractors and suppliers have benefitted from this Government's policy of providing a level playing field of opportunity for those who have never before received Government contracts.

Mr Speaker, I could consider that the Opposition were merely being mischievous, or hypocritical, when they suggested that they, in spite of a well earned reputation based on past actions, would if given another chance, reverse their previous policies and open up the bidding process...

Mr Speaker, for generations successive United Bermuda Party Governments systematically excluded the vast majority of Bermudians from participation in mainstream economic activity in Bermuda.

This is a fact.

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It is not something to get excited about, but it must be acknowledged...

Mr Speaker, to redress the pernicious practices that were the norm prior to November 1998 – practices which created the conditions that effectively precluded all but those with ready access to significant capital and lines of credit – this Government has worked to remove such barriers over the past four years.

Mr Speaker the Government's records are replete with examples of cost-overruns with which Bermudians have been burdened as a result of the ineptitude of the contracts awarded – not by us – but by the now self-righteous and forgetful members of the previous administration...

Our policy has been to broaden opportunities and participation, and to ensure that those had previously been excluded are included...

But for the necessity to keep this statement in manageable bounds I would have quoted her entire address to the Assembly. I am proud to have continued the mandate that I believe the people of Bermuda who elected the PLP wanted. I sought wherever possible to give genuine consideration to small and medium sized black Bermudian companies a real chance to win government contracts that in my view they had been deliberately excluded from in the past. To achieve that I saw it as my duty to assist those bidders to compete on a level playing field; there may have been occasions when all the dots and crosses on a bid contract were not made, perhaps through inexperience, but and I saw no difficulty in helping them remedy small failings in the bidding process provided I thought they could do the work.

The Ministry of Public Works and Engineering

In September 2006, I become the Minister for Labour & Immigration, a role I retained for 15 months until I was moved to Public Works & Engineering in December 2007. Mr Robert Horton was my Permanent Secretary at Labour & Immigration and he came with me when I moved to Works & Engineering.

In order to make my statement I refer to your letter of 25 July 2016.

Processing of Payments

As Minister, I would not have been privy to payments being made. It is my understanding that a contractor would send an invoice to the architect in charge of that project and he would, if approved, send same to the Comptroller who, in turn, would ensure appropriate compliance and paperwork. After being satisfied that all was in order, it would then go the Permanent Secretary for final approval. Only then could it be sent to the Accountant General for payment.

Port Royal Golf Course

As aforesaid, I did not become Minister for Works & Engineering until December 2007 and therefore had little or no knowledge of this project's path through government.

I have had sight of Mr Robert Horton's statement at page 3, paragraphs 13 & 14 and can agree that the contents also represent my understanding of that matter at the time.

Heritage Wharf

I did not become Minister for Works

& Engineering until December 2007 and therefore had little or no knowledge of this project's path through government.

I have had sight of Mr Robert Horton's statement at page 3, paragraphs 15 & 16 and can agree that the contents also represent my understanding of that matter at the time.

Bermuda Emissions Control Ltd

I did not become Minister for Works & Engineering until December 2007 and therefore had little or no knowledge of this project's path through government.

I have had sight of Mr Robert Horton's statement at page 3, paragraphs 15 & 16 and can agree that the contents also represent my understanding of that matter at the time.

Renovations – Human Resources

I have had sight of Mr Robert Horton's statement at page 4 – 6, paragraphs 25 – 34 and can say that to the best of my recollection that the contents also represent my understanding of that matter at the time although, much of it was unbeknown to me at the time. I had no input in the tendering process or how the company, Greymane, came to be used as contractor for these works.

I have now seen emails sent to me by Bob Horton which serves to remind me that I must have been kept apprised of some of the difficulties with this project. However, I have little, if any, independent recollection of this matter.

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Commercial Courts

This topic seems to have been removed from the COI's listed topics of interest. However, out of completeness, I have reviewed the documents originally supplied.

It is important to understand for all projects that the various members of the Cabinet including the Minister of Finance will have discussed any particular project on a number of occasions both in Cabinet and outside to ensure that the project was one that was considered worthwhile and affordable. Thereafter, the project's progress would continue to be discussed again, formally and informally with colleagues. I further believed that I would often have the tacit approval of my colleagues for the approval of a particular project and that formal cabinet approval would be forthcoming even if it were retrospective.

I have seen the statement of Robert Horton at page 6 – 8 paragraphs 35 – 45 and insofar as the matters were within my knowledge and recollection I can agree with its contents.

I also refer you to my response to the Auditor General's Report of December 2014 dated February 2016 (page 6 appended hereto as exhibit 2) in which I make the point that my involvement created a saving to the public purse of \$637,446

Maintenance & Storage

I had nothing to do with this project. Your original Tab 6 contained precious little material on the topic and your new binder served on 26 September, 2 days before the COI, no longer seems to have any material concerning this matter. I refer you to the Cabinet Minutes at PTB-1.

I have seen the statement of Robert Horton at page 9, paragraphs 46 – 49 and insofar as the matters were within my knowledge and recollection I can agree with its contents.

Central Laboratory

My understanding of your question in your letter of 25th July 2016 is that the issue is as to the contract for the architect services. The sums involved were under \$50K and therefore

would not come to me for approval. I have seen what Robert Horton says and believe that to be accurate. I had no input into this project.

Southside Laboratory Contract

I have read the statement of Robert Horton and can confirm the contents are accurate as best as I can recall, save that it is my recollection that the redirection in tender requirements was for all bidders, not just Concorde.

I have seen the email supplied on 26 September 2016 between Lucy Chung and Lawrence Brady dated 4/16/10 which I have never seen before and was unaware of. I note we do not have the follow up email.

I have also seen emails between Chung and Horton and copied to various others for the first time when this bundle was sent to me on 26 September 2016 and neither they nor their contents were known to me at the time. ■



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EAP CLIPS: OCTOBER 2016

HOW TO STOP PROCRASTINATING

Procrastination comes in many forms, whether you are a college student putting off a dreaded paper, or a homeowner putting off doing chores like cleaning the gutters. We all procrastinate, thinking that tomorrow will be a better time to tackle undesirable duties and chores, but it can have negative consequences.

Procrastination is a curse, and a costly one. Putting things off leads not only to lost productivity but also damages self-esteem. For these reasons, psychologists are trying to determine what's going on in the mind that makes it so hard to actually do what we set out to do. Are we programmed for postponement and delay?

As reported by the Association of Psychological Science in January 2009, an international team of psychologists led by Sean McCrea of the University of Konstanz in Germany wanted to see if there might be a link between how we think of a task and our tendency to postpone it. In other words, are we more likely to see some tasks as psychologically "distant" – thus making us save them for later rather than tackling them now?

The psychologists handed out questionnaires to a group of students and asked them to respond by e-mail within three weeks. All the questions had to do with rather mundane tasks like opening a bank account and keeping a diary, but different students were given different instructions. Some were given abstract instructions, while others were simply told about the nuts and bolts of doing each activity: speaking to a bank officer, filling out forms, making an initial deposit and so forth. The idea was to get some students thinking abstractly and others concretely. Then the psychologists waited. And in some cases, waited and waited. They recorded all the response times to see if there was a difference between the two groups.

The findings, reported in *Psychological Science*, a journal of the Association of Psychological Science were very clear. Even though all of the students were being paid upon completion, those who thought about the questions abstractly were much more likely to procrastinate – and in fact some never got around to the assignment at all. By contrast, those who were focused on the how, when and where of doing the task e-mailed their responses much sooner, suggesting that they tackled the assignment rather than delaying it.

The authors note "merely thinking about the task in more concrete, specific terms makes it feel like it should be completed sooner and thus reducing procrastination." They conclude that these results have important implications for teachers and managers who may want their students and employees starting on projects sooner. In addition, these findings are also relevant for those of us resolving to have better time management skills.

MANAGE YOUR TIME AND STOP PROCRASTINATING

Do you typically put off work, chores, or other duties until the last minute? One way to stop procrastinating is to learn better time management skills. Here are a few quick ways to better manage your time.

Get organized. To use time more wisely, organize your life and keep it that way. Go through paperwork, etc. and filter out the unneeded items. Eliminate clutter in your work area.

Make "To Do" lists. Good time managers make "To Do" lists a regular part of their lives, whether it's on the computer, a PDA or a simple piece of paper.

Finish one task before moving on. Save yourself time by finishing one project before moving on to another.

Reward yourself for finishing tough projects. The hardest tasks are those that we have to do but which are difficult or boring. Get over the drudgery of these tasks by promising yourself a reward after finishing a tough project.

Eliminate non-productive activities. Watching television or aimlessly surfing the internet isn't a productive use of time. Good time managers create time by ridding their lives of these and other big time wasters.

Plan ahead. So that you're not cramped for time, plan ahead. If you are working on a large project with a pressing time line, do a bit each day. Make it manageable, so that you can avoid a huge amount of work in the end.

If you need help please call the EMPLOYEE ASSISTANCE PROGRAMME OF BERMUDA at 292.9000 If you need to talk...We're here to listen



What is a Commission of Inquiry?

by Delroy Duncan

On 24 February 2016, the Premier the Hon Michael H Dunkley appointed Sir Anthony Evans, the Hon John Barritt, Fiona Luck and Kumi Bradshaw (the Commission) to inquire into the following matters which, in the opinion of the Premier, is for the public welfare. Premier Dunkley stated:

"Having regard to the Report of the Auditor General on the Consolidated Fund of the Government of Bermuda for the Financial Years ending 31st of March in 2010, 2011, and 2012 and with regard to any matters arising under section 3 of the Report."

The Premier based his decision to establish a Commissions of Inquiry (COI) on the findings contained in the Report produced by the Auditor General.

In this first of two articles on (COI) we will address the following questions:

- I. By what authority can the Premier establish a Commission of Inquiry?
- II. What is the purpose of a Commission of Inquiry?
- III. What are the powers of a Commission of Inquiry?
- IV. How are the terms of reference of a Commission of Inquiry established?
- V. Conclusion

I. By what authority can the Premier establish a Commission of Inquiry?

Sections 1 and 1A of the Commissions of Inquiry Act 1935, (the Act), empower the Governor or the Premier to appoint commissioners of inquiry into matters of a public nature.



1 (1) The Governor may, whenever he considers it advisable, issue a commission appointing one or more commissioners and authorizing them, or any quorum of them therein mentioned, to inquire into the conduct of any civil servant, the conduct or management of any department of the public service or into any matter in which an inquiry would in the opinion of the Governor be for the public welfare.

1A (1) The Premier shall, in addition to the Governor, have the authority to issue commissions of inquiry under this Act.

II. What is the purpose of a Commission of Inquiry?

In the 2011 edition of a book by Jason Beer QC on Public Inquiries in the United Kingdom, equivalent of a COI in Bermuda, the following are identified as some of the purposes of a COI:

Establishing the facts:

The main and central objective of a COI is to establish the facts on the issues under inquiry by providing a full and fair account of what happened.

Accountability:

The COI can establish accountability by ensuring that the report on the issues under inquiry is made available to Parliament, so there is public accountability for whatever is found to have happened. More directly, a COI may identify wrongdoing and improper conduct by individuals, organizations and Parliamentary bodies.

Learning lessons:

An important purpose of a COI is to prevent the same events from taking place again by making recommendations for improvement.

Restoring public confidence:

An effective COI will restore public confidence following disquiet over the events which are the subject of the inquiry.

Developing policy:

A COI can through the process of examining wrongdoings identify

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What is a Commission of Inquiry?

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improvements in policies and procedures.

Interestingly, in his book Jason Beer QC identifies negative ways a COI can be used by the Government in the following statement. It is important to note his comments are equally applicable to the potential uses or abuses of a COI in Bermuda:

"A less charitable view which has been expressed about the purpose of establishing a public inquiry is that it is to serve the passing interest of government. As Woodhouse argues, the announcement of a public inquiry may provide a significant number of benefits to a government under siege, surrounded by calls for a public inquiry. "They may include the following:

Establishing an inquiry removes at least temporarily the issue from the political arena – this may deflect controversy on the issue or deflect attention away from the Government.

ncement may give the appearance that Government shares the concern of the public over what has occurred and is anxious to discover what went wrong therefore Government could not have been involved in what went wrong.

A public inquiry buys time, allowing public anger to abate and interest in the issues which are often controversial to wane.

Although a public inquiry is independent of Government under the Act, a public inquiry is under the control of the Government of the day. The Government sets the terms of

reference for the inquiry, appoints the chairman and the panel and can make decisions such as whether inquiry hearings are held in public and documents disclosed in the inquiry are made public.

The Premier has stated that the root of this inquiry is grounded in the Report of the Auditor General on the Consolidated Fund of the Government of Bermuda. Further to the statement made by the Premier the COI said the following "The starting point is the Auditor General's observation that there appeared to have been, during the relevant period, a general failure to follow Financial Instructions, which were described as the rules established by the Government for the safeguarding of public assets."

III. What are the powers of a Commission of Inquiry?

The powers of COI are set out in section 9 of the Act which reads as follows:

9 (1) *Commissioners acting under this Act shall have the powers of the Supreme Court to summon witnesses, and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath, and no commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner.*

(2) *All summonses for the attendance of witnesses or other persons, or the production of documents, may be in the form in the Second Schedule, and shall be signed by*

one of the commissioners, and oaths may be administered by one of the commissioners or by their clerk.

IV. How are the terms of reference of a Commission of Inquiry established?

The success or failure of a COI will be determined by the nature and scope of the terms of reference the inquiry will be working under.

In 1996 the Council on Tribunals in the United Kingdom commented on the importance of well-defined terms of reference stating;

"Care should be taken to ensure that the terms of reference go no wider than is necessary to fulfill the specific need which the Minister has in mind when setting up the inquiry. If the terms of reference are too wide, this may result in unnecessary cost and delay, and may introduce questions which merely confuse the essential issues".

An important question is whether the terms of reference must be created by the Governor or the Premier, or can be created by the Commissioners appointed to the inquiry. Sections 1 and 1A of the Act suggest that the terms of reference must be created by either the Governor or the Premier. This would naturally flow from the fact that the Governor derives his power from the Bermuda Constitution Order 1968 and the Premier derives his power from the ballot box.

In the official notice establishing the COI, the Premier identified the scope

continued on page 16

US Justice Department To Close Privatized Prisons

In an historic move, and on the back of years of work by public sector unions and civil society allies, the United States Department of Justice announced on 18 August their intention to close all private prisons under contract to the DOJ.

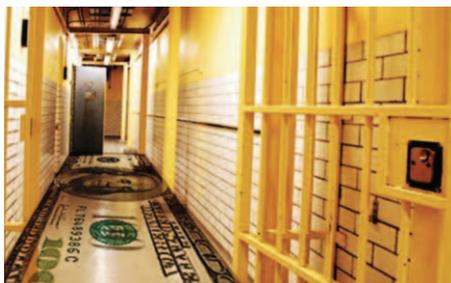
The decision comes after a damning investigation found that for-profit facilities consistently performed less well than the publicly run prison system.

Speaking at the announcement, US Deputy Attorney General Susan Yates said privatized prisons “simply do not provide the same level of correctional services, programs, and resources; they do not save substantially on costs; and... they do not maintain the same level of safety and security.”

The announcement sent shock waves through the industry, with private prison company shares plummeting by up to 50%, even as they prepared to push back against the decision.

However, Unions representing correctional service workers praised the DOJ’s commitment to change.

“Private prison operations have long been a stain on our nation’s criminal justice system. Corporate prisons have profited off of the suffering of our communities and have led the way to mass incarceration,” said Lee Saunders, President of the American Federation of Municipal, Council and State Employees which represents approximately 62,000 corrections



officers and 23,000 corrections employees.

American Federation of Government Employees (AFGE) National President J. David Cox Sr. and AFGE Council of Prison Locals President Eric Young said “we are thrilled that the Department of Justice announced an end to the use of private prisons, and applaud the DOJ”.

“This is a decision that curtails the attempts of private interests to corrupt the US judiciary system. This is indeed a huge victory for social justice in the USA,” says Rosa Pavanelli, PSI General Secretary.

Number one

The USA is the country with the highest rate of incarceration in the world; in-part a result of the skewed incentives created by privatized prisons, who see profits rise when sentences are longer and incarceration rates are higher.

This has created rife opportunity for corruption, with one private prison operator recently sentenced for bribing a judge to send more juveniles to their private correctional facilities.

Unions say that the move marks a turning point in the wider debate about privatization.

“The DOJ’s decision confirms what we know about privatization - it does not save money, it does not provide the same level of services, and it does not ensure either social justice or equity,” says Pavanelli.

These results were confirmed in a recent PSI study which found that Public-Private Partnerships show no evidence of cost savings or increased efficiency and create more opportunity for corruption.

While PSI has consistently fought efforts by the USA and other countries to extend the privatized model of services through international organisations such as the World Bank and IMF and trade agreements such as TiSA, this landmark decision provides a valuable example of how privatization simply does not live up to the hype.

The announcement will be watched closely by government officials, unions and civil society activists across the world and in different sectors where private corporations are continuing their attempts to profit from public services.

“We will share this with other countries experimenting with prison privatizations, notably South Africa and Australia. For-profit corporations have no business running correction services,” concludes Pavanelli. ■

CEC and CCL Considers CARICOM One Step Closer to Regional Social Dialogue

The Caribbean Employers' Confederation (CEC) and the Caribbean Congress of Labour (CCL) are pleased and encouraged by the recommendations on social dialogue within the CARICOM and CSME processes coming out of the consultation convened by the CARICOM Secretariat on 19 September 2016. This consultation with the representatives of Government, workers', and employers' organizations built consensus to successfully produce recommendations on social protection and social dialogue.

Having examined five examples of regional social dialogue arrangements from Europe, Africa and Latin America, CEC and CCL affiliates along with representatives of Government agreed that social dialogue should be integrated into the existing CARICOM structures to allow the CCL and CEC representatives to participate in the ongoing discussions and shaping of policies of the Community and the Single Market Economy to contribute to regional social and economic development. The social partners further recommended that a regional mechanism should be created where national tripartite partners can engage so that national dialogue can filter upwards to the regional level to create substantive synergy on issues



discussed to create greater and more meaningful impact.

The social partners also proposed that CEC and CCL representation at the Conference of Heads of Government be reinstated so that their perspectives, concerns and proposals can be presented directly to the Heads. The trade union representatives were particularly emphatic in their argument for this particular point.

Ms Jennifer Isaacs- Dotson, CCL 1st Vice President, concluded: "The trade unions are optimistic that the recognition of the CCL and the CEC will now be established so that they can make substantive contributions at all levels of the Community."

The tripartite partners also proposed for the consideration of the Ministers of the Council of Human and Social

Development (COHSOD) that the Council engage in a general discussion on social protection and that the CARICOM Secretariat partner with the ILO to develop a social Protection Strategy for CARICOM.

The CEC President, Wayne Chen said: "If these recommendations are implemented then we would have experienced a quantum leap forward in our governance that will make the policymaking process more inclusive, efficient, and focused. The outcome should be an improved environment for investment, enterprise, and the creation of decent and sustainable jobs and economic opportunities." ■

Dr. E.F. Gordon – A Brief History

by Larry Holder

Edgar Fitzgerald Gordon was born March 20, 1895 to Olympia Jardin and Frederick Charles Gordon in Port of Spain Trinidad. It was there that he received his early education at Queens Royal College (QRC), graduating and being praised as one of its most brilliant scholars. In 1912 the University of Scotland accepted Gordon as a medical student. In 1918, E.F. Gordon at age 23 was now a medical practitioner. This was to be the first of many esteemed titles he attained during his life.

Dr. Gordon, with his vision and quest for political, socio-economic justice, motivated his Gordonite followers with oratory skills unheard of before this, as he challenged the oligarchies pecking order. The Bermuda Recorder would write, “no man had so fired the imagination and alerted the inarticulate masses as he did”.

Dr. E.F. Gordon added civil rights activist, Parliamentarian and trade union leader to his repertoire. It was as a Parliamentarian that an angry Gordon changed his name to MAZUMBO, an African name, because the white members of Parliament refused to call him Doctor Gordon.

Mazumbo’s role of public service has been best chronicled in Ira Philip’s *“The History of the Bermuda Industrial Union”*, as he carved monumental milestones for blacks and the working classes that brought Bermuda into the 20th century, in some cases kicking and screaming as



if on the tale of a comet.

Author and anti-racism activist Dr. Eva Hogdson wrote of Mazumbo as dynamic, arrogant, brilliant and imperfect, but who more than any other man succeeded in awakening a political consciousness among the laboring classes.

The standard for leadership has been measured and the benchmark has been set for the role of leadership in this country, by Dr. Gordon, along with his fellow compatriots.

Upon Mazumbo’s death in 1955 his successors at the Bermuda Industrial Union (BIU) would be Harold Talbot, Leonard Bascombe, Martin T Wilson, Robert Johnston, Ottiwell Simmons, Derrick Burgess and current President Chris Furbert.

Leadership roles have and are being held by the General President, General Secretary, executive board members, divisional executives and rank and file members throughout our 70 year existence both domestically and internationally too many to mention. Whilst travelling overseas, it is not unusual to be praised by other na-

tionalities for our accomplishments and asked of the wellbeing of former and current trade unionists. This speaks to the distinction, trust and respect of the BIU, the leadership and its representatives as a stalwart sentinel of labour domestically and internationally.

History continues to be chiseled into the BIU chapters as it ventures into fresh territory. Mention needs to be echoed, for a merger made between two social entities that historically have been vociferous in this community for Joe public. In April 2013. The St. Paul’s A.M.E. through Pastor Nicholas Tweed and BIU sister Ronnie Burgess saw the plight of the needy because of the prolonged affect of the recession and turned advocacy into action. This merger’s obligation was that of compassion not capital, to serve those in need a meal they would savor.

Every Wednesday 300 meals are prepared for our fellow countrymen, women and children whether they sit in or take out. The homeless, unemployed, underemployed even the employed as the face of Bermuda struggles to meet their obligations. Some 48,000 meals later, this did not involve speeches, marches, a sermon or the press, just advocates who decided to act with a desire of compassion coupled with humility.

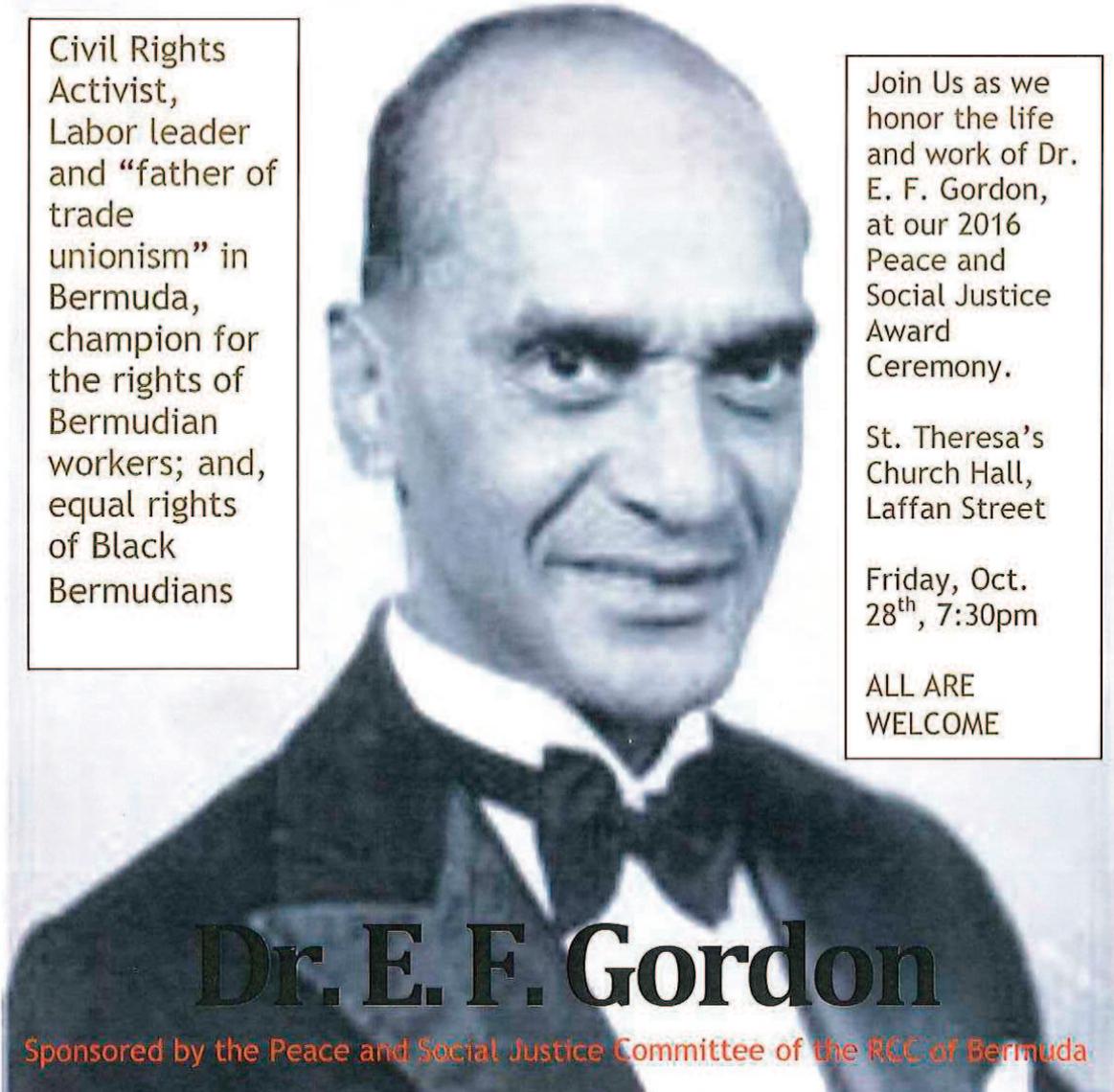
“Philanthropy is commendable, but it must not cause the philanthropist to overlook the circumstances of economic injustice which make philan-

continued on page 14

The Roman Catholic Church of Bermuda

Peace and Social Justice Award 2016

Civil Rights
Activist,
Labor leader
and “father of
trade
unionism” in
Bermuda,
champion for
the rights of
Bermudian
workers; and,
equal rights
of Black
Bermudians



Join Us as we
honor the life
and work of Dr.
E. F. Gordon,
at our 2016
Peace and
Social Justice
Award
Ceremony.

St. Theresa's
Church Hall,
Laffan Street

Friday, Oct.
28th, 7:30pm

ALL ARE
WELCOME

Dr. E. F. Gordon

Sponsored by the Peace and Social Justice Committee of the RCC of Bermuda

Commission of Inquiry An Exercise in Futility continued from page 3

The fact that the this “Inquisition” has already cost Bermudian taxpayers \$1.68 million should cause everyone’s alarm bells to ring, especially in light of the fact that the Auditor General was so concerned that many contracts in the three years under examination had gone over budget. Certainly the Opposition PLP should be happy

with the decision to increase the Commission’s budget because when the Premier first announced that there would be a Commission of Inquiry, the Opposition said it was their “sincerest hope” that the commissioners would get sufficient time and resources for an in-depth and thorough inquiry”.

In my opinion, the commissioners were given sufficient time and resources for an in-depth and thorough inquiry. As a result, Bermudians should now be satisfied that our civil servants, elected officials and government ministers did not act either unethically or illegally during the period under review. ■

What is a Commission of Inquiry? continued from page 11

of the inquiry as follows:

"To inquire into any potential violation of law or regulations, including the Civil Service Conditions of Employment and Code of Conduct, Financial Instructions and Ministerial Code of Conduct by any person or entity, which the Commission considers significant and determine how such violations arose".

V. Conclusion

It is clear that the Premier or

alternatively the Governor have the authority to establish a COI under the Act. The purpose of such an inquiry should be to establish the facts surrounding clearly identifiable issues set out in the terms of reference. However, there are dangers the Premier must be mindful of in case they return to haunt him. For example:

Making sure the Premier and not the COI determine the terms of reference for the inquiry and the identity of the individuals, organizations and

Parliamentary bodies investigated.

Containing the cost of the inquiry.

Ensuring the inquiry is not perceived by the wider public as a political tool or maneuver for precisely the same reasons identified by Jason Beer QC. In the next article on COI will examine the relationship between a COI and other forms of legal court proceedings, and the powers of a COI to subpoena members of the public to attend hearings to give evidence. ■

Dr. E.F. Gordon – A Brief History continued from page 14

thyropy necessary.” (Rev Dr. Martin Luther King Jr.)

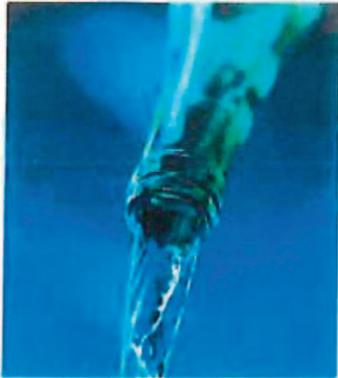
When Dr. E.F. Gordon/Mazumbo, and the Gordonite followers formed the BIU in 1946 after the former Bermuda Workers Association (BWA) he may not have envisioned all the benefits and accomplishments as well as the growing pains of this organization. He did however see it as a necessary function for the wellbeing

of this community, to be nurtured, maintained and reproduced so as to stand the test of the ages.

U-N-I are the first three letters in union and it is going to take you and I, both organized and unorganized to support, maintain and grow trade unionism and the BIU that has supported this Bermuda for the last three score and ten 70 years.

Mazumbo 1895-1955 lived a mere 60 years just 10 years shy of God’s promise however he achieved several lifetimes of accomplishments.

Mazumbo’s colossal destiny with Bermuda is best described by another who held many titles Leonardo Da Vinci. People of accomplishment rarely sit back and let things happen to them. They go out and happen to things. ■



'A HEALTHY YOU'

Submitted by
Beverley D. Howell BScN (Hons) R.N. MA



WATER

Did you know?

- The Brain consists of 90% Water
- The Blood consists of 83% Water
- The Muscle consists of 75% Water
- The Bone consists of 22% Water

WATER is vital for Health!

WATER

- Transports nutrients & oxygen into cells
- Helps organs absorb nutrients
- Moisturizes the air in our lungs
- Helps with metabolism
- Regulates body temperature
- Detoxifies the body
- Protects & moisturizes joints
- Helps prevent cramp



**DRINK WATER
for
The Health of It**

Every day DRINK WATER:

- 1/2 your body weight in ounces
- or minimum 8 x 8 oz glasses

EXERCISE

Stimulates the Brain
Decreases depression & elevates mood
Increases breathing capacity

Reduces:

- Blood Pressure
- Blood Glucose
- Risk of Stroke
- Risk of Heart Disease
- Weight

Increases:

- Circulation of the blood through the body
- Muscle tone & strength
- Fat metabolism
- Energy
- Fitness
- Helps to manage:
- Diabetes
- Obesity

**EXERCISE
for
The Health of It**



Every day strive to EXERCISE:

- 60 minutes or a minimum of
- 30 minutes 3 times weekly

Stipends awarded as Work Skills Development Programme students



Representatives from Workforce Development joined Ministry of the Environment representatives to present cheques to participants who have reached the half way mark in the Work Skills Development training programme. The nine young men and one young woman—all volunteers—have all passed the first five modules of the programme, which include training in propagation, pruning and handling small equipment.

Mr. Roger Parris of the Department of Parks congratulated the participants before cheques were presented, and asked for their continued commitment. The cheques were made possible by a donor.

Mr. George Outerbridge from Workforce Development urged the students to continue to apply themselves, and that the next goal would be to apply to the Certification Board to be certified in landscaping.

Representing the landscaping trade, Chairman of the National Training Board, MP and one time Botanical Gardens trainee Jeff Sousa encouraged the students, saying there were jobs out there for them. “I trained here for two years, 40 years ago. I am now running Bermuda’s biggest landscaping business. I am an MP and Chair of the National Training Board. There are opportunities out there. Attitude is everything. It is what will get you the job and it is what will

keep you in the job.”

Mr. Parris invited Mr. Outerbridge to be one of the assessors of the students’ continuing work, as a partner in the programme.

Training at Tulo Valley Nursery, the Arboretum and different parts of the Botanical Gardens are next on the students’ schedule. Those who pass the remaining modules will graduate in December.

Caption for photo: L/R : Roger Parris and Sam Santucci of the Department of Parks, the Work Skills Development Programme students, Jeff Sousa JP,MP, George Outerbridge of Workforce Development. ■

BIU and Others Show Support for Rev. Tweed continued from page 2

total disrespect and disregard for the Doctrine and Discipline of the AME Church and the rejection of the long standing custom and practice surrounding appoints of pastors in the AME Church in Bermuda. The Stewards, Trustees and the entire congregation stand united in support of Rev. Tweed and will support any necessary action to reverse this decision of the Minister”.

The Bermuda Progressive Labour also showed support for Rev. Tweed and issued the following press statement: “On the issue of the OBA's refusal to renew the work permit of Reverend Nicholas Tweed, The Progressive Labour Party shares the sentiments of

the Leadership of St. Paul AME Church. Like them, we believe that this represents a “... *total disrespect and disregard for the Doctrine and Discipline of the AME Church and the rejection of the long standing custom and practice surround appointments of pastors in the AME Church in Bermuda.*”

“The OBA has given Bermuda the impression that this is less about procedure than it is about politics and that while there may be freedom of speech in Bermuda it only applies to those who speak in support of the One Bermuda Alliance. This decision is very reminiscent of the actions taken against those who spoke out against the old UBP and reflects a

part of Bermuda's history that sadly was not buried with that old, unlamented organization.

“The PLP stands with the Stewards, Trustees and members of the AME Church in Bermuda and will work with the community to ensure that freedom of speech and fairness applies to not just the OBA and their supporters, but to Reverend Tweed as well.”

President Chris Furbert said that as soon as Brother Jason Hayward returns to the island on Friday the People's Campaign will meet to devise a strategy going forward in order to convince the Government to reverse their decision. ■

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Nursing Home 2

Find and circle all of the words that are hidden in the grid.
The remaining 47 letters spell a Benjamin Franklin quotation.

F V E L A I P H A R M A C I S T B E D T I M E
 L O I G G S F E S T R A C K C A N S T R A T B
 O X O S N G S E D O S T E O P O R O S I S C E
 C Y Y D I U Y I D R O O M M A T E P S I A A D
 K G S I T T O R S I Y R O M E M H T R L S R P
 D E E L R R O L O T S L T L H Y A T L E A D A
 O N S T A T A R W T A A E E S F A B S N V G N
 W I S G H E M Y G X I V B I F I E T S I T A E
 N N A E C E M O A E A S C I D L N L R C N M N
 U S L T V O R T O T R A O O L E L U L I E E O
 R U G S D I I M O R L I P P V I S T N D M S I
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 E I Y O E T E A H M A O Y T N U E Y I M I C O
 A N E S S N E E L N E A I E R V S R S S A I L
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 T H N I O A G E A I R T E T A H C N I R R L C
 N O D O P N R S L I A D A R S E T I M I E I R
 E T K Y I A H O P P D D W I S L R L D N T Z A
 M S E G L A H A D E E F E B U T E C A G N E F
 E T N A V O O W A S H H A N D S O E E E E L T
 D I R E A S E R A C G N I N R O M R P R H T S
 S M R O T C O D T F I L L A C I N A H C E M E

ADMISSION
 ASSIST
 BEDPAN
 BEDTIME
 BOOKS
 CALL BELL
 CARD GAMES
 CHARTING
 CRAFTS
 DEMENTIA
 DIABETES
 DINNER

DISABILITY
 DOCTOR
 ELEVATOR
 ENTERTAINMENT
 EYEGLASSES
 FOOD TRAY
 GERIATRIC
 HEALTH
 HOLIDAY EVENTS
 INSULIN SHOT
 LAXATIVES
 LOCKDOWN

LOTION
 LOUNGE
 MEALS
 MECHANICAL LIFT
 MEDICINE
 MEMORY
 MORNING CARE
 NURSE
 OSTEOPOROSIS
 OXYGEN
 PATIENTS
 PHARMACIST

PHYSICAL THERAPY
 PILLS
 PODIATRIST
 RECLINER
 RECREATION ROOM
 RELATIVES
 ROOMMATE
 SEDATIVES
 SHAVER
 SINGING
 SLEEP
 SNACK CART

SOAP
 SOCIALIZE
 STAFF
 SUPPOSITORY
 SYRINGE
 THERMOMETER
 TUBE FEED
 VIRUS
 VISITOR
 WANDER ALARM
 WASH HANDS

SOLUTIONS ON PAGE 2