

PARLIAMENTARY JOINT SELECT COMMITTEE MEETING

*Transcript of the Meeting of the
Parliamentary Joint Select Committee on
Parliamentary Governance and Reform
held in the Library, Sessions House
on Monday, 18th November 2013
commencing at 1:30 p.m.*

PRESENT:

Mr. N.H.C. Simons, JP, MP - Chairperson

Ms. L.F. Foggo, JP, MP

Mrs. J.J. Atherden, JP, MP

Mr. K.L. Bascome, JP, MP

Senator J.C. Baron, JP

Mrs. S.M.A. Wolffe - Clerk to the Committee

INVITED PRESENTERS:

Mr. John Barritt

Dame Jennifer Smith

1 **MONDAY, 18TH NOVEMBER 2013**

2 --- upon commencing at 1:30 p.m.

3 **INVITED PRESENTER: Mr. John Barritt**

4 **THE CHAIRMAN:** First of all I would
5 like to thank Ms. Gazzard for being available to us.

6 And secondly, I'd like to thank
7 Mr. Barritt for taking time out of his schedule to make
8 a contribution.

9 In addition I'm going to take this
10 opportunity to thank Mr. Barritt and Dame Jennifer for
11 the tireless work that they've done, when they were in
12 the House, in updating the Standing Orders, and in
13 essence they laid the groundwork for bringing us to
14 where we are today, and I think their work was crucial
15 and should not go unnoticed and unrecognized.

16 **MS. FOGGO:** By this Committee.

17 **THE CHAIRMAN:** Correct.

18 **MR. BARRITT:** I thought he was
19 suggesting by the wider community.

20 **THE CHAIRMAN:** And community, quite
21 frankly.

22 As you'll know, we officially approved
23 the Standing Orders in September.

24 **MR. BARRITT:** I heard, yeah, I heard.

25 **THE CHAIRMAN:** And they were also given

1 recognition for their contributions over the years.

2 Okay? So I want you to know that we
3 want to go on record in support and recognizing the
4 hard work that you and Dame Jennifer did in bringing us
5 to where we are today.

6 **MR. BARRITT:** For the record, I have no
7 objection.

8 **THE CHAIRMAN:** Okay. I know you have
9 been following us in regards to where we are, as a
10 Joint Select Committee, in addressing Governance in
11 Parliament, and you were sent a summary sheet,
12 basically, which we have labelled "CPA Performance
13 Benchmarks Foundation Document".

14 Do you have a copy of that?

15 That's it, yeah.

16 And that document basically is to show
17 you, from a summary point of view, the issues that
18 we're going to review and where we want to go.

19 Initially we thought we would write a
20 summary for each one of these items, but it was felt by
21 the Committee that it may be best for the people making
22 the presentation to give their own ideas and not be
23 influenced by us, and so it was decided to provide this
24 summary form, and then include your recommendations to
25 our Report.

1 So, if you have no questions on this, I
2 invite you to share with us your thoughts and ideas of
3 how you think we should best move forward and any ideas
4 that you think should be recorded in our Report.

5 In essence, the process will be we'll do
6 the Report, give it to the Speaker, once the Speaker
7 approves, the Report will go back to Parliament for
8 debate and approval.

9 Once it's approved by Parliament, we
10 will craft a policy paper and do legislation to bring
11 this to fruition, if everything goes through.

12 Our time line for having all of this
13 completed is November of next year. Okay? So, --

14 **MRS. WOLFFE:** No, I have legislation to
15 be tabled by the Premier in June of next year.

16 **THE CHAIRMAN:** Okay, well, we're going
17 to try to meet the --

18 **MS. FOGGO:** You mean before the next
19 session, so that -- that's what he means by that.

20 **THE CHAIRMAN:** Yes, in November.

21 **MRS. WOLFFE:** Okay. Right. Okay. All
22 right.

23 **THE CHAIRMAN:** Okay?

24 So, Mr. Barritt, as I said, we hope to
25 cover general areas in the benchmarks, and we, as a

1 team, have reviewed various Legislatures, Canadian, UK,
2 American, some of the Caribbean Islands, and we felt
3 that the recommended benchmarks for CPA, Caribbean,
4 Americas and the Atlantic Region, was the document
5 which succinctly summarizes most of our findings in the
6 jurisdictions, and I have a sense that you may have had
7 an involvement in putting this together, but I'm not a
8 hundred per cent sure. But I was thinking about that
9 on the way to work today, I said, He probably helped
10 craft this document as well.

11 **MRS. WOLFFE:** No. Uh-uh. That's a
12 document --

13 **MS. FOGGO:** No.

14 **THE CHAIRMAN:** But be that as it
15 may, --

16 **MRS. WOLFFE:** With the Clerks of the
17 region.

18 **THE CHAIRMAN:** Okay. So this document
19 here is basically what we're using as a platform to go
20 forward. Okay?

21 So with that as a backdrop, we invite
22 you to provide your thoughts on Organization of
23 Parliament, on the Functions of the Legislature, and
24 the Values of the Legislature. And there are general
25 issues which you can also address. The General issues

1 are Elections, Candidate Eligibility, Member Immunity,
2 Remuneration and Benefits, Member Resignation and the
3 physical and infrastructural issues that you think that
4 the Legislature should consider and entertain. Okay?

5 So I'll leave the rest up to you and
6 we'll hear what you have to say.

7 **MR. BARRITT:** All right. Thank you,
8 Mr. Chairman.

9 First, by way of preliminary comment,
10 the first thing I just want to note is that I think
11 it's a pity this is not open to the press and the
12 public, to listen. I think it would be a good idea to
13 start engaging the public in what is often viewed as a
14 dry, irrelevant subject. It's time we changed that and
15 the only way you change that is by letting the public
16 in on it. So I'm disappointed in that regard.

17 Secondly, I appreciate your explanation,
18 because when I first received this document from the
19 Clerk to the Legislature I said, Well, what precisely
20 do they want me to speak to? What view are we going to
21 take; because if you start way out here you're going to
22 stay way out there, and I'm pleased to hear you say now
23 that you're speaking to the benchmarks that were put
24 together by the Clerks to the Legislature, and that
25 would have been helpful -- I mean I've seen it before

1 and if I'd have known that I would have spoken to some
2 of the items in there.

3 **THE CHAIRMAN:** Oh, good.

4 **MR. BARRITT:** And I haven't because, as
5 I go through what I call -- this is just a checklist.
6 You describe it as a "benchmarks performance", when
7 there's no benchmarks, this is just a list and it would
8 have been a good idea, not for you to tip your hand and
9 say we're going to adopt the CPA Benchmarks, but these
10 are the things we're looking at and some of the issues
11 that arise, because, as I say, the average man and
12 woman, it means -- it's very hard to connect.

13 **THE CHAIRMAN:** I agree.

14 **MR. BARRITT:** And we need to change
15 that in this country and I've always tried to do that,
16 whether it be in the House or now writing in the
17 newspaper on a regular basis.

18 The third thing I wanted to say was,
19 just so I understand you correctly, your time line.

20 You said, once you do your Report you're
21 going to produce it to the Speaker, and if the Speaker
22 approves it will be tabled?

23 **THE CHAIRMAN:** No, he's going to review
24 it.

25 **MR. BARRITT:** "Approves" not the right

1 word, surely you mean once you tender it to him it will
2 go to the House.

3 **THE CHAIRMAN:** Yeah, basically, yeah.

4 **MR. BARRITT:** I mean, I can't
5 imagine --

6 **THE CHAIRMAN:** I mean, he has to -- not
7 officially approve, but he has to give it his blessings
8 and then it goes to the House, basically.

9 **MR. BARRITT:** That's unusual. Most
10 reports usually go to the House via the Speaker.

11 **MS. FOGGO:** Are tabled to the House, to
12 him, yeah.

13 **THE CHAIRMAN:** Well, he agrees that
14 it --

15 **MR. BARRITT:** He didn't establish the
16 Committee. I got no brief against the speaker, --

17 **THE CHAIRMAN:** I know, I know, I know.

18 **MR. BARRITT:** -- I'm just saying, this
19 thing ought to see the light of day.

20 **THE CHAIRMAN:** It will see the light of
21 day.

22 **MR. BARRITT:** And it oughtn't to be
23 subject to anybody's...

24 **THE CHAIRMAN:** Because the motion that
25 was presented was approved by Parliament.

1 **MR. BARRITT:** Exactly.

2 **THE CHAIRMAN:** And so we just give him
3 the courtesy of looking at it before the Report is
4 actually tabled in Parliament.

5 **MR. BARRITT:** I don't think you need to
6 tell people that.

7 **THE CHAIRMAN:** I know, but --

8 **MR. BARRITT:** You're just creating a
9 problem for yourself.

10 **MS. FOGGO:** Because he can't edit it.

11 **MR. BARRITT:** That's right. In the
12 normal course of events, it's given to the Speaker, and
13 then it's tabled in the House.

14 **MS. FOGGO:** Yeah. Right.

15 **MR. BARRITT:** That happens to every
16 Report, and this should be no different.

17 **THE CHAIRMAN:** That's fine. Well,
18 thank you for that contribution.

19 **MR. BARRITT:** And the next thing I want
20 to say, and this will be replete throughout whatever I
21 say is, I caution against biting off more than you need
22 to chew. Okay? When I look at this long list, I say
23 to myself, Well, these are all good things you want to
24 eventually get to, but what are the most important
25 things that you need to get to first.

1 **MS. FOGGO:** Streamline.

2 **MR. BARRITT:** And then I think things
3 will flow and follow from that, once you establish the
4 correct foundational framework. And let me tell you,
5 this is the gist of my submission, I've thought about
6 it.

7 **THE CHAIRMAN:** Okay, that's fine.

8 **MR. BARRITT:** The first question I ask
9 myself and I suggest you ask yourselves is: What is
10 the vision of the role that the Legislature should play
11 in Bermuda, in the governance of Bermuda? Everything
12 flows from that.

13 My vision has always been, it's evolved
14 through experience in the House over 18 years, first as
15 Government, then as Opposition, is that the important
16 job, role that it has to play is that of oversight of
17 the work of the executive.

18 **MS. FOGGO:** Yup, that is it.

19 **MR. BARRITT:** Holding Government
20 accountable, particularly with respect to the
21 expenditure of money and becoming an independent check
22 and balance on the exercise of power. Power resides in
23 the Cabinet in the Executive, and the Legislature is
24 there -- this is my vision of what a Legislature, the
25 role the Legislature should play.

1 **THE CHAIRMAN:** That's fine.

2 **MR. BARRITT:** And then the second
3 question you ask yourself, and this is one you'll
4 answer as you got forward and you'll find out when the
5 Report goes to the House: Is there the will, is there
6 the political will to make this happen?

7 And I ask that question honestly and
8 openly, because I've had my doubts over the years.
9 Again, as a member of Government, again as a member of
10 the Opposition, and now as somebody looking in from the
11 outside.

12 And the reason I ask that question, in
13 all honesty and candour, is that it essentially and
14 largely falls to the Government of the day to make this
15 happen.

16 **THE CHAIRMAN:** Mm-hmm.

17 **MR. BARRITT:** Why? Not just because
18 they have the numbers to make it happen, or not -- and
19 that's important, that's an important consideration
20 ultimately when you come down to any issue in the House
21 and how it should be handled, Government can have its
22 way through numbers -- but the reason it's also
23 important is because, one, there has to be an
24 acceptance, a consensus on the vision that I've shared
25 with you that I would have for the Legislature, and it

1 has to be shared by the Government of the day.

2 **THE CHAIRMAN:** Mm-hmm.

3 **MR. BARRITT:** And it has to be evinced
4 by the Government of the day, because ultimately,
5 ultimately what you're asking is an acceptance that the
6 exercise of power will be curbed and will be shared by
7 the Back Bench, and by Back Bench I mean both
8 Opposition and Government Members.

9 **THE CHAIRMAN:** Yes.

10 **MR. BARRITT:** They have a role to play.
11 The Legislature should, in my view, be
12 more than just a debating chamber, or as I call it, in
13 my cynical way, an echo chamber, neither should it be a
14 rubber stamp.

15 Section 34 of the Bermuda Constitution
16 Order. Have a look at the Constitution Order. Section
17 34 says essentially that the Legislature is there to
18 make laws for the peace, order and good government of
19 Bermuda. That's a pretty clear statement. And then
20 you'll -- I think it's more than interesting, it's
21 possibly significant that that chapter, Chapter III of
22 the Bermuda Constitution, appears before the Executive
23 in the Constitution Order.

24 **THE CHAIRMAN:** Yes.

25 **MR. BARRITT:** Appears before the powers

1 and duties of the Executive are set out, and it's quite
2 a bit more extensive, I think, than the Executive --
3 not that a great deal turns on the length of things, as
4 you all know, I'm sure.

5 And why is that? Because the
6 Legislature is the -- particularly the House of
7 Assembly, the elected House, that is the body from
8 which all power flows, --

9 **MR. BASCOME:** Yes, sir.

10 **MR. BARRITT:** -- based on numbers, and
11 it is the body to which power must account.

12 So you've got -- if you have -- I go
13 back to a point I made at the start. If you therefore
14 have the vision, and you have the will, so much will
15 flow from that that it will be really a matter of just
16 organizing the Lego pieces, as I do with my
17 grandchildren. Once you've agreed on all the pieces,
18 you can put them together.

19 And the cornerstone of that, in my view,
20 is having an independent system of management for
21 the Legislature, a managing committee, as it were,
22 under the chairmanship of the Speaker, and I put in
23 brackets here, parenthesis, "and the Senate President
24 as well" -- question mark?

25 **THE CHAIRMAN:** Mm-hmm.

1 **MR. BARRITT:** Because as long as we
2 have an upper house, they have a role to play as well
3 in holding the Government to account, although clearly
4 it's not the same, has the same powers as that of the
5 House of Assembly.

6 That committee would ensure, I think,
7 that the Legislature would not then come under the
8 control or the purview of the Cabinet or any Government
9 Minister.

10 I know that's been changed now and
11 that's presented a bit of a challenge the last time
12 round, in the budget.

13 I think we all, those who follow,
14 understood what was attempted there, in terms of having
15 the Speaker present the budget, although I -- my own
16 view is, I think I said it publicly, that that was
17 wrong, that if he had something to say he speaks from
18 the Chair, not from the pit, as I call it, and go down
19 into the well of debate.

20 But we all understand the intentions
21 there and certainly the intentions seemed right.

22 The Committee, I think, would be made up
23 of Government Backbenchers, Opposition Members and an
24 Independent Senator, basically to represent the
25 constituent base. You have an oddity at the moment of

1 having one Independent Member, but presumably because
2 he's not Government, he would form part of the wider
3 Opposition representation, if I can put it that way.
4 And I thought you'd have a Committee of three
5 Government, two Opposition, One Independent Senator.
6 That's six. It's an odd number, but the Speaker and
7 the Senate President would have a deciding vote, and
8 ultimately they're the ones who have to drive it once
9 it's set up because they will be in charge.

10 **THE CHAIRMAN:** Yes.

11 **MR. BARRITT:** They will be in charge of
12 the Legislature as an independent department or
13 ministry, as it were. I hate to see it called that.
14 Please don't go there, because that's to use
15 nomenclature that reminds people of what you're trying
16 to get away from.

17 And I think here there's no need to
18 invent or reinvent the wheel.

19 I think, as you probably already know
20 from your research, there are a number of jurisdictions
21 that you can look at for models as to how this can be
22 implemented and what can be done.

23 I remember attending a seminar that Dame
24 Jennifer and I were asked to go in Guyana, on behalf of
25 the CPA, because they were having challenges between

1 the Government and Opposition Members there. It was
2 quite ferocious, as we found out when we got there, in
3 terms of division and how they couldn't find common
4 ground, even on straightforward matters, like this.

5 But interestingly enough, in their
6 Legislature, they did have a managing -- I forget what
7 they called it, I have the rules somewhere, if you
8 haven't seen it, a Management Committee comprised of
9 Opposition and Government Members, that would work with
10 the Speaker and, of course, part of the problem was
11 part of the challenges that were going in the Chamber
12 were carried on to the Committee, but that -- that's
13 life, at least you -- you have to work through these
14 things, whether it's in the Chamber or in a Committee.

15 And I knew the Speaker very well --
16 I got to know him very well then, and he said, By in
17 large, John, it works, because at least I get a
18 heads-up as to what's coming on a particular day, it
19 telegraphs what to expect, what people intend to do,
20 and I'm able to better manage the day that the House
21 meets.

22 Now, that's a separate thing, of course,
23 from running the Legislature from an administrative
24 point of view, that is like a department or a ministry.
25 But he said it gave him a really good handle, and you

1 hold people to account in the sense that this Committee
2 meets every week.

3 So if you had a Management Committee,
4 much, I guess, along the lines of the -- what do you
5 call...? Is it the Standing Orders Committee now? It
6 used to be Rules and Privileges. I can't remember the
7 name.

8 **MRS. WOLFFE:** Standing Orders and
9 Privileges, mm-hmm.

10 **MR. BARRITT:** Yes. I mean, something
11 like that, and this, should be meeting every week, in
12 my view. Should be meeting every week, so that the
13 Speaker knows what's coming, what's to be expected and
14 in some instances is able to work out a timetable as to
15 how things will be managed on a particular Friday.
16 There ought to be no surprises and no ambush,
17 particularly as far as the Speaker is concerned, in my
18 view. There's no cause to ambush the Speaker. Yes,
19 you may take him into your confidence and tell him you
20 are intending to do different things; indeed that's
21 done -- was done in my day, you'd go in and see the
22 Speaker ahead of time, because you didn't want the
23 Speaker to be flat-footed, you never do.

24 So, anyway, that's my view, and I think
25 once you have that Management Committee, so much flows

1 from that.

2 And if you believe that, for instance,
3 let's take one head, the job of the Legislature is to
4 hold the Government to account, things like a question
5 period, which took a long time to bring about here in
6 Bermuda, should not take as long. And the Speaker
7 himself has spoken on the possibility of having a
8 question period for the Premier on issues of the day;
9 that's done in other jurisdictions.

10 The other thing that is done in
11 jurisdictions, to obviate what I call embarrassing
12 skirmishes that do neither side any credit, like on
13 that Conscription Bill, or Anti-Conscription Bill, you
14 set aside time for Opposition Motions and Opposition
15 Bills.

16 For goodness sake -- I've said this many
17 a time -- Members are up here not just to speak but to
18 work.

19 **MS. FOGGO:** That's right.

20 **MR. BARRITT:** And work will involve
21 sometimes, and should be commended when people set pen
22 to paper and start drafting legislation for
23 consideration.

24 I'm not talking about off-the-wall
25 stuff, but I'm talking about stuff that pertains to

1 issues of the day. People shouldn't be smacked down
2 for that; they ought to be uplifted in some way. And
3 the way you do it in other jurisdictions, you have time
4 set aside for Opposition Motions or Opposition Bills.

5 **THE CHAIRMAN:** So that's in
6 committee or --

7 **MR. BARRITT:** No, in the House itself.

8 **MRS. WOLFFE:** It's on the Order Paper.

9 **MR. BARRITT:** On the Order Paper, you
10 allow for them to bring it forward, so the Government
11 needn't be surprised and put anything down.

12 And if something is -- take this
13 particular bill, for instance, you thought was a bill
14 that was either a money bill or one that conflicted
15 with what the Government was going to do, or is going
16 to do, you would then have that debate in open Chamber,
17 where someone would decide, the Speaker, on hearing
18 argument, or by vote, that it's not going to be
19 accepted by the Government of the day. But you do
20 allow the opportunity for these thing to come forward
21 and see the light of day and be discussed openly. And
22 --

23 **MS. FOGGO:** May I just say something?

24 Based on what transpired, I can say
25 this: I couldn't find any other jurisdiction that

1 would ever vote down something going on the Orders
2 Papers simply because it came from the Opposition. I
3 couldn't find a juris -- because Members can bring
4 things, too, and just as you say, by just even having
5 it listed, then the argument can be an open argument,
6 just as you have highlighted, so I'm --

7 **MR. BARRITT:** Yeah. I don't want --

8 **MS. FOGGO:** So it doesn't become an
9 issue about that.

10 **MR. BARRITT:** I understand.

11 **MS. FOGGO:** I think what you're saying
12 is accurate.

13 **MR. BARRITT:** I don't want to argue --
14 re-argue or argue the thing, --

15 **MS. FOGGO:** Yeah. Yeah, no, I'm not
16 even arguing that. I'm just saying that what you made
17 was a very valid point.

18 **MR. BARRITT:** Okay. Thank you.

19 **MS. FOGGO:** Yes.

20 **MR. BARRITT:** But, Miss Foggo, let me
21 just, for the purposes of history, --

22 **MS. FOGGO:** Sure.

23 **MR. BARRITT:** -- I had this happen to
24 me when I was an Opposition Member with respect --

25 **MS. FOGGO:** Okay, so --

1 **MRS. WOLFFE:** Court of Appeal.

2 **MR. BARRITT:** Court of Appeal Amendment
3 Act.

4 **MS. FOGGO:** See, there you go.

5 **MRS. WOLFFE:** Court of Appeal.

6 **MR. BARRITT:** I was denied --

7 **MRS. WOLFFE:** But it was only one --

8 **MS. FOGGO:** So you know --

9 **THE CHAIRMAN:** One at a time, one at a
10 time. No, no, no, no, no. One at a time.

11 **MR. BARRITT:** No, I --

12 **MRS. WOLFFE:** It was on the Order
13 Paper, --

14 **MS. FOGGO:** Yeah, eventually --

15 **MRS. WOLFFE:** It was on the Order
16 Paper.

17 **MR. BARRITT:** Yeah, I did get it on the
18 Order Paper, but, you know, I withdrew it. But the
19 first time I introduced it, the first time it was
20 rejected. And I think Minister Dunkley himself has
21 spoken of one that he had, Smoking Bill? Smoking
22 Bill,... Anti-Smoking Bill.

23 **MS. FOGGO:** Mm-hmm.

24 **MR. BARRITT:** And so it does happen.

25 But who cares? It shouldn't --

1 **MS. FOGGO:** I think it's -- right, what
2 you say is valid.

3 **MR. BARRITT:** You shouldn't have that,
4 even that possibility of happening.

5 **MS. FOGGO:** That's right.

6 **MRS. ATHERDEN:** But I think what you're
7 saying now is that the reason we're looking at all of
8 these things is to say that, if we haven't got
9 something right and we're looking at changing, this is
10 something that we should consider, --

11 **MR. BARRITT:** Yes.

12 **MS. FOGGO:** Yeah, that's why we're
13 saying that.

14 **MRS. ATHERDEN:** -- for the very reason
15 that you're talking about, that --

16 **MR. BARRITT:** Yeah. If you look at
17 Benchmarks and you look at the Order Papers in other
18 countries, this is accepted. People have moved beyond
19 that.

20 **MS. FOGGO:** Exactly.

21 **MR. BARRITT:** And I have to believe
22 it's done in other jurisdictions because oppositions
23 have access to drafts-people and resources that
24 legislation can be drafted.

25 But here, if someone shows some

1 individual initiative and enterprise and drafts a bill,
2 that ought to go first via the Speaker's Chamber to
3 make sure that it's in a form and looks all right, then
4 it should be introduced and debated in the open, in my
5 view, and the Government of the day can take its view,
6 and express its view, and then vote accordingly.

7 And it just creates, in my view,
8 unnecessary division and discord, when it ought not to
9 and you ought to be just focussing on the issues
10 itself.

11 Mr. Chairman, I don't know if you want
12 me to go through the -- because so much of this is, I
13 think, straightforward, and as I say you don't have to
14 invent or reinvent the wheel, once you've got -- once
15 you catch, in my view, the right vision, --

16 **THE CHAIRMAN:** That's correct.

17 **MR. BARRITT:** -- it just flows from it,
18 with respect to the formation of Committees and Powers.

19 I'm glad you highlighted "Powers",
20 because one of the things -- I didn't bring the Act
21 with me, the Parliament Act 1950 --

22 **MRS. WOLFFE:** Forty-seven?

23 **MR. BARRITT:** Is it fifty-seven, isn't
24 it?

25 **MRS. WOLFFE:** Or forty-seven, or fifty-

1 seven.

2 **MR. BARRITT:** Something. It's probably
3 in need of an overhaul.

4 **MRS. WOLFFE:** It is.

5 **MR. BARRITT:** And there's one area in
6 particular that I have focussed on in the past and that
7 is the provision with respect to the powers of
8 Committees appointed by the House, or the Legislature.

9 It seems to suggest, that particular
10 provision, from memory now, that unless the actual
11 motion that established the committee gives the
12 committee the power to subpoena, it may not have it.

13 **THE CHAIRMAN:** Mmm. Yes, yes, yes,
14 yes, yes, yes.

15 **MR. BARRITT:** That must be startling,
16 and not the intended result.

17 **MS. FOGGO:** Right.

18 **MR. BARRITT:** And I think that ought to
19 be clarified, so that committees have the power to
20 subpoena. I mean, people come and they give -- if
21 they're asked, particularly on the Public Accounts
22 Committee, or something else with respect to a factual,
23 they really, in some cases, ought to be treated as if
24 they're under oath, because you're expecting them to
25 tell the truth. And I think these committees ought to

1 be up and running, the Public Accounts Committee, I
2 mean, I think it ought to be almost meeting weekly,
3 frankly.

4 **THE CHAIRMAN:** Well, we're meeting
5 every other week, basically.

6 **MR. BARRITT:** And again, the Parliament
7 Act may need to be reviewed for its powers to be
8 enhanced and revamped, so that you can call -- and
9 under our rules we don't mention "contracts" in
10 particular, it just talks about the Government Auditor
11 General Reports and the Government Expenditure, and
12 maybe the time has come, if necessary, to give the
13 Public Accounts Committee the express power to review
14 contracts, depending on what your feeling is, after
15 they're awarded, during their continuation, so that you
16 can summons people.

17 And, you know, I go back to the point I
18 made at the beginning, the more it's opened up to the
19 public, I think people -- a message will be sent.

20 What is the message that'll -- I don't
21 want to be called before that Public Accounts
22 Committee. Make damn sure you've got this right, that
23 "I"s are dotted and "T"s are crossed. You're not going
24 to embarrass me in public that we.

25 And that's part of the -- that's part of

1 the positive effect created by knowing that this
2 Committee is active and it's public.

3 **MS. FOGGO:** Mr. Barritt, I think --
4 that discussion has been had in the Public Accounts
5 Committee and I think we do -- I think we do have the
6 power. We don't have to just review reports, we can
7 call a Government Department in to discuss their
8 accounts. We can do that.

9 **MR. BARRITT:** Okay. In an on-going
10 contract?

11 **THE CHAIRMAN:** Yes.

12 **MS. FOGGO:** Yes.

13 **MR. BARRITT:** Okay. Well, fair enough.
14 I've always thought that -- I'm a great believer that
15 if you can make it clear and express, make it clear and
16 express.

17 **MS. FOGGO:** Right.

18 **MRS. ATHERDEN:** But it seemed to me
19 that there was, the last time that we were talking
20 about it there was some greyness as to whether you
21 could or not, and I think what you're saying is making
22 sure that it -- that it is absolutely there.

23 But I also think I'm hearing you saying
24 that, something which I don't think has happened, is
25 making sure that people are, are actually summoned, and

1 make it public, because, I mean, in the Public Accounts
2 we were talking about whether people have had, you
3 know, discipline happening to them within -- within
4 the, if you will, --

5 **MRS. WOLFFE:** The Committee proper.

6 **MRS. ATHERDEN:** Not the Public Accounts
7 Committee, but within their working environment, and
8 the fact that it might have happened but people didn't
9 know about it, which means that you're losing that same
10 thing of making people want to do right so that they're
11 not held up as someone who did wrong.

12 **MR. BARRITT:** Yeah, well, anything you
13 can do to strengthen that and make it clear, I'm
14 suggesting do it.

15 **THE CHAIRMAN:** Yeah.

16 **MS. FOGGO:** Yeah. In the Joint Select
17 Committee for Education, we had to summon, and we
18 quoted the Act, the Principals to come; rather than
19 actually send out a subpoena for them, we reminded them
20 that we had the power.

21 **MR. BARRITT:** And they responded?

22 **MS. FOGGO:** And then they finally re --
23 yeah. Yeah.

24 **MR. BARRITT:** Yes, so that sometimes
25 works, but at some point you may find, when the stakes

1 are high enough, someone may challenge that, and it
2 would be a pity --

3 **THE CHAIRMAN:** And so he's suggesting
4 that we have that feature in the motion when it comes
5 before Parliament, once that Committee is approved --

6 **MRS. WOLFFE:** Yes. Well, that happened
7 with the --

8 **MR. BARRITT:** Well, I think it may be
9 right, but, Mr. Chairman, I would suggest you amend
10 the Parliament Act of '57, it could probably use a
11 review --

12 **MS. FOGGO:** To cover every area.

13 **MR. BARRITT:** Exactly.

14 **MS. FOGGO:** Yes.

15 **THE CHAIRMAN:** Yeah.

16 **MR. BARRITT:** So that you don't have --
17 I mean, imagine how lengthy a wording the motion will
18 be if you have that in.

19 **MRS. ATHERDEN:** Can I have a question,
20 Cole?

21 You raised something very interesting
22 and I hope that you don't mind me asking and that you
23 will respond.

24 Obviously, we have persons who are, how
25 shall I say, they're Civil Servants, per se, and they

1 are Department Heads, et cetera, and it just seems to
2 me that if we're talking about the Legislature and
3 we're talking about the Department Heads, the
4 relationship between the persons that are in the
5 Auditor General's Office, with respect to raising
6 questions and coming forward before Public Accounts
7 Committee, surely -- I just wanted your opinion as to
8 whether those individuals are no different from other
9 Department Heads or whether there is some sort of, if
10 you will, specific relationship, an attorney-client
11 relationship which --

12 **MR. BARRITT:** With the Auditor
13 General's Office?

14 **MRS. ATHERDEN:** Well, not with the
15 Auditor General's -- no, I guess what I was going to
16 say --

17 **THE CHAIRMAN:** I'm not clear on your
18 question.

19 **MS. FOGGO:** Yeah, I'm not clear either.

20 **MRS. ATHERDEN:** Maybe -- let me be
21 clearer, okay.

22 If the Auditor General is able to go out
23 and ask questions of Department Heads, --

24 **MR. BARRITT:** Mm-hmm.

25 **MRS. ATHERDEN:** -- is the Attorney

1 General's Office any different from the normal, the
2 normal Department Head because, obviously, this whole
3 question of client relationship seem to arise, whereas
4 it doesn't arise with anybody else because every
5 department is Government.

6 **MR. BARRITT:** You meant Attorney
7 General's Chambers.

8 **THE CHAIRMAN:** Yes.

9 **MR. BARRITT:** Yeah.

10 **MS. FOGGO:** She meant regarding a legal
11 matter, and the comment was that whatever the matter
12 was was *sub judice* and they didn't feel that they could
13 release the information, and so if you have a matter
14 that is being held before the Courts, can you then
15 query, I mean, force somebody to share the information,
16 if the matter is *sub judice*?

17 **MR. BARRITT:** No.

18 **MRS. ATHERDEN:** No. No, that wasn't my
19 question.

20 **THE CHAIRMAN:** No, that's not her
21 question.

22 **MS. FOGGO:** Well, that's what it
23 sounded like to me.

24 **THE CHAIRMAN:** No, no, no. I know what
25 Jeanne is saying.

1 **MR. BARRITT:** That's a different
2 aspect.

3 **THE CHAIRMAN:** Yes.

4 **MRS. ATHERDEN:** No, my --

5 **THE CHAIRMAN:** Jeanne --

6 **MRS. ATHERDEN:** Let me make it clear.

7 **THE CHAIRMAN:** I'm going -- did you
8 understand what she said?

9 **MR. BARRITT:** I think so, but you go
10 ahead, Jeanne wants to get --

11 **THE CHAIRMAN:** It's client
12 confidentiality, from a legal point of view.

13 **MRS. ATHERDEN:** And I guess what I'm --

14 **MS. FOGGO:** That's *sub judice*.

15 **MRS. ATHERDEN:** Yeah, but *sub judice* --

16 **THE CHAIRMAN:** *Sub judice* is different.

17 **MRS. ATHERDEN:** -- is different from
18 client confidentiality.

19 **MS. FOGGO:** Okay.

20 **THE CHAIRMAN:** It's different.

21 **MRS. ATHERDEN:** I guess what I'm trying
22 to figure out, if the client is the Government, if the
23 client is the Government, and the Attorney General is
24 giving information about what the Government is doing,
25 is that any different from getting information about

1 what any other department is doing?

2 **MR. BARRITT:** I think -- I don't --

3 **MRS. ATHERDEN:** If there's a matter
4 that the Attorney General has been consulted on with
5 respect to "The Government", and the Auditor wants
6 information on that particular matter, is that -- is
7 there a difference between the Government as a -- just
8 the entity that's responsible for -- the Executive, if
9 you will, and the -- any other department, I guess.
10 Have I go it -- said it as clearly as --

11 **MS. FOGGO:** I think it's clearer than
12 what it was.

13 **THE CHAIRMAN:** No, then let's see what
14 John understands.

15 **MR. BARRITT:** Yeah. Thank you,
16 Mr. Chairman.

17 There may be instances where you're
18 calling somebody to come before the Public Accounts
19 Committee to give you information which they refuse to
20 give you, and presumably they will give you the grounds
21 on which they refuse to give you that information.

22 **MRS. ATHERDEN:** Mm-hmm.

23 **MR. BARRITT:** *Sub judice* is one obvious
24 one.

25 **THE CHAIRMAN:** One of them.

1 **MR. BARRITT:** And that's a pretty well-
2 known rule.

3 The second would be, I decline to answer
4 that question on the advice of the Attorney General.

5 **MRS. WOLFFE:** Mm-hmm.

6 **MS. FOGGO:** That's right.

7 **THE CHAIRMAN:** But that's -- yes, go
8 ahead.

9 **MRS. ATHERDEN:** Wait, wait. Let him
10 finish. Let him finish.

11 **MR. BARRITT:** And then once that gets
12 on the table, then it is open to the Committee -- and
13 this is an important point -- to take its own legal
14 advice on whether or not that should be challenged or
15 not. Even if you're a lawyer at the table, you
16 shouldn't play lawyer at that time. You should take
17 legal advice and either challenge that or accept it.

18 **THE CHAIRMAN:** That's what I thought.
19 I think --

20 **MR. BARRITT:** But you should start on
21 the basis that they are subject to question by the
22 Public Accounts Committee, like any other person who
23 works for the Bermuda Government.

24 **THE CHAIRMAN:** That's correct.

25 **MRS. ATHERDEN:** Okay, then --

1 **THE CHAIRMAN:** But, Jeanne, Jeanne, I
2 think we have to be careful. John is right. He can
3 speak to the purview of the Public Accounts Committee
4 because it's a sub-committee of Parliament. What you
5 are talking about is the relationship between the
6 Auditor General and the AG's Chambers, which has no
7 purview under the Public Accounts Committee at this
8 point.

9 **MS. FOGGO:** Exactly.

10 **MRS. ATHERDEN:** Okay. Oh, I --

11 **THE CHAIRMAN:** I know where you're
12 going.

13 **MRS. ATHERDEN:** No, no. The reason --

14 **THE CHAIRMAN:** But it's not relevant to
15 this debate.

16 **MRS. ATHERDEN:** No. The reason I was
17 looking at the question, where we were talking about
18 saying that we were going to look at contracts and
19 looking at -- at information, et cetera, which means
20 that if you're going to start looking at contracts,
21 then the other side of it is that there is also
22 someone -- another entity which is -- as the Auditor
23 General, which is also looking at contracts. So I was
24 just trying to establish --

25 **MR. BARRITT:** Well, presumably you're

1 going to look at them after they're signed, --

2 **THE CHAIRMAN:** Right.

3 **MS. FOGGO:** Right.

4 **MR. BARRITT:** -- and I can see no
5 grounds on which a contract ought to be either *sub*
6 *judice* -- well, could be, if they sue right off the
7 bat -- or confidential.

8 **MRS. ATHERDEN:** Right.

9 **THE CHAIRMAN:** So those are the
10 contracts that come to the Public Accounts Committee.

11 What you're talking about occurred
12 prior, when the Auditor General was gathering
13 information to do her report, she was limited in having
14 access to information by the AG's Chambers. That is
15 different from what transpires within the Public
16 Accounts Committee and the House of Parliament.

17 **MS. FOGGO:** Right.

18 **THE CHAIRMAN:** So I would say, I
19 understand your concern, but I don't think it's
20 relevant at this point for what we're doing today.

21 **MRS. ATHERDEN:** Yes, but -- and I won't
22 belabour it after this, but I guess the other side of
23 it is, if you're saying that the Public Accounts
24 Committee, as we're talking about the expanded role
25 that we're suggesting, suggesting, then it would seem

1 to me that if you want the Public Accounts Committee to
2 be able to look at all these numbers of things, one
3 presumes that the Auditor has done a certain amount of
4 looking in the first case, first.

5 **MR. BARRITT:** Mistake number one, don't
6 presume anything.

7 **THE CHAIRMAN:** Exactly.

8 **MR. BARRITT:** You're there to make sure
9 presumptions are in fact done and assumptions are in
10 fact done, and then you get on to the next thing.

11 **MRS. ATHERDEN:** Right.

12 **THE CHAIRMAN:** Right, because we only
13 deal with it after the Auditor General presents her
14 Report to the House.

15 **MRS. ATHERDEN:** Right.

16 **THE CHAIRMAN:** Not when she's crafting
17 her Report. After it's complete and presented to the
18 House, do we look at it.

19 **MRS. ATHERDEN:** Right. But, then...
20 Okay, but then getting back to then what we just talked
21 about. If, in looking at the Auditor General's Report,
22 the Auditor General indicates that she was restricted,
23 to be able to do something, as it relates to the
24 Attorney General's Department, then the question
25 becomes, are we able? Do we have any power to be able

1 to go back to that department and say, We would like
2 some information, especially if the information is not
3 *sub judice* or --

4 **THE CHAIRMAN:** The Public Accounts
5 Committee should have that power, yes.

6 **MR. BARRITT:** That's right.

7 **MRS. ATHERDEN:** That's all I was just
8 trying -- that's all I was trying to get.

9 **MR. BARRITT:** Yeah. And you may run
10 up against the same problem, in which case, like the
11 Auditor General, you'll take your legal advice as
12 well, --

13 **MS. FOGGO:** Exactly.

14 **MR. BARRITT:** -- as to whether or not
15 you're --

16 **MRS. ATHERDEN:** That was the point I
17 wanted to get.

18 **THE CHAIRMAN:** Senator Baron -- come on
19 guys, we have to tie this up on this.

20 Senator Baron.

21 **MRS. WOLFFE:** Mr. Chairman, I have a
22 question, too.

23 **MR. BARON:** Thank you, Mr. Chairman.
24 Thank you, Mr. Barritt.

25 It is a privilege to be able to sit here

1 and ask you a question. I was on the Joint -- or I
2 presented to the Joint Parliamentary Select Committee
3 on Crime on which you sat and I think there are
4 sometimes, in my new political career, that I'm
5 reminded of how privileged I am to be sitting here.
6 This is one of them, so thank you very much.

7 My question here surrounds the central
8 challenges of the expanding relationship between
9 governance, between the Parliament, Senate and the
10 citizens, and therefore the press.

11 We have, clearly, in the last five
12 years -- I would say two years, with the, not just
13 blogging, but social media, the massive expansion of
14 the way in which news is reported, many people are now
15 seeking Facebook and Twitter to get their news; it is
16 not the daily paper that's dropped off at their office.

17 How do we -- and, again, so the values
18 of the Legislature -- I'll back up a bit -- is the
19 section that Senator Rabain and I are looking at, and
20 the five points: Accessibility; Citizens and the
21 Press; Languages, Portuguese, et cetera; Ethical
22 Governance; and Transparency and Integrity.

23 I think ultimately if we agree that the
24 dogmas of the past are no longer serving Bermudians and
25 we are here to reform that, so that we are --

1 contemporary politics reflects what we need to be doing
2 for Bermudians, then certainly the message, the
3 marketing and how we -- what our stories are coming
4 from Parliament, have to be the most important thing
5 here. Because if, like you said in the very beginning,
6 we are -- we are here in closed chambers, there is no
7 press here, there is nothing to get out to the public
8 that not only did we have a great presentation today
9 and a really good, frank talk about reform, the public
10 could have been involved in that, and knowing that we
11 actually don't just meet on a Friday, and I just
12 actually do other things as a Senator other than on
13 Wednesday. So there are many stories to tell.

14 Having said all of that, what do you
15 think, because you're someone who is able to oscillate
16 between sitting in Government and talking with
17 Ministers and Senators and also with the public,
18 because of not only your column but who you are.

19 And so what, in your opinion, are the
20 central challenges to the relationship between
21 Parliamentarians, Senators and what we do in the House,
22 and the citizen, and therefore the press?

23 **MR. BARRITT:** In no particular order.
24 The first thing, and I don't think you're suggesting
25 that -- there's no way you want to take on the role of

1 controlling the press, --

2 **MR. BARON:** No.

3 **MR. BARRITT:** -- or controlling what
4 they report.

5 **MR. BARON:** No.

6 **MR. BARRITT:** What you want to do, I
7 think, is to maximize the opportunity for the public
8 and the press to come in and see what you're doing.
9 That is part, I think, of keeping a check and balance
10 and an oversight on the exercise of power as well,
11 including of yourselves.

12 I think there's been a start with the
13 development of the Parliamentary website, I'll call it
14 that, www.parliament.bm -- or .com?

15 **MRS. WOLFFE:** Dot bm.

16 **MR. BARRITT:** Dot bm. And that people
17 will catch on to, eventually, I see sometimes on
18 Facebook people are referring to, Hey, you wanna hear
19 what Minister Richards said? Check this out. Boom,
20 sends you right to the Parliamentary website and you
21 can call it up and stream it back and listen. And
22 that's going to catch on more and more, I suspect.

23 The other thing is, and the Clerk will
24 know this, that I've been an advocate, you've got to
25 somehow make it interactive, as well.

1 I know now you have a platform, do you
2 not for MPs with their own --

3 **MRS. WOLFFE:** e-mail. Mm-hmm. Mm-hmm.

4 **MR. BARRITT:** -- e-mail. So that's a
5 start. But what I meant by interactive was, if you
6 could get it so that Legislation is posted, either in
7 draft or as soon as it's presented in the house, so
8 people can come in and comment on it.

9 Obviously, the problem with this, you've
10 got to have somebody who can monitor the website to
11 take out obviously defamatory and libellous remarks.
12 But that's, in my view, the way you start in opening up
13 the process to people.

14 I think television, once it comes, and I
15 believe it will come, at some point, is going to help
16 as well.

17 But there's no question I think that
18 over the years the reporting of the House of Assembly
19 and Parliament generally has gotten less and less.

20 There was a time, even in my day as a
21 young man, a journalist, where there used to be people
22 who would sit up here and they'd pretty well transcribe
23 what people said.

24 **THE CHAIRMAN:** Yes.

25 **MR. BARRITT:** And report in the paper,

1 column after column after column. That's gone now and
2 I think in the newspaper's defence they'll say to you,
3 We don't have the space and the advertising to support
4 that sort of thing anymore. But you've now got
5 Hansard.

6 **MS. FOGGO:** Yeah.

7 **MR. BARRITT:** The goal has to be to get
8 Hansard up as quickly as possible, more quickly than is
9 currently the case, all due to respect to Derrick and
10 his crew, you know, that's the key.

11 And I think -- the other thing I -- I
12 don't know whether this speaks to what you're saying,
13 is, what you really want to get out to people is what
14 you're doing, rather than necessarily what you're
15 saying.

16 I have to tell you as an MP who sat in
17 the House and now looking from the outside, we probably
18 spend more time worrying about what we're saying being
19 reported, reported accurately, and people are not
20 really that interested, some of them don't even read
21 it, --

22 **MR. BASCOME:** Thank you.

23 **MR. BARRITT:** -- they're more
24 interested in --

25 **MS. FOGGO:** They judge you by what you

1 do --

2 **MR. BARRITT:** -- by what you do --

3 **MR. BASCOME:** What you're doing and --

4 **MR. BARRITT:** -- and the way you voted.

5 **MS. FOGGO:** That's right. Agreed.

6 **MR. BARRITT:** And those sorts of things
7 ought to be out there pretty quickly, and I would leave
8 it to the industry and initiative of every individual
9 MP to speak directly to their constituents.

10 I think Accessibility, that covers it, I
11 think, from a technological point, and from a physical
12 point of view the House has improved with having an
13 elevator now for people who found it hard to climb up
14 all those stairs, and we have a pretty good gallery.

15 It's just a matter of educating people
16 to know that they can come up here. I think we often
17 forget how intimidating it is for the average man and
18 woman, unless they're invited and made to feel
19 comfortable coming up here, by their MP or a
20 representative up here. I know school children come up
21 on a regular basis. It can be a little bit
22 intimidating.

23 As far as languages go, I know
24 Portuguese is a second language but I think we all
25 accept that English is the primary language and, given

1 our size, we ought to stick to that as the official
2 language.

3 I don't have any problem myself with
4 someone making a remark or a salutation in Portuguese,
5 providing it is then translated for the benefit of
6 everybody else.

7 **THE CHAIRMAN:** Yes.

8 **MR. BARRITT:** Ethical Governance. That
9 comes down -- and this is important. That comes down
10 to the Register of Members Interests, which I think in
11 today's world really ought to be enforceable. I mean,
12 there's no voluntary anymore. Everybody fills that out
13 and it is available on line, isn't it, on the website?

14 **THE CHAIRMAN:** Yes.

15 **MR. BARRITT:** What people have put?

16 **MRS. WOLFFE:** I believe so.

17 **MR. BARRITT:** It really ought to, and
18 it ought to be afforded far more -- what's the right
19 word here? I was going to say "prominence", but it's
20 not just prominence you want, it ought to be elevated
21 to the point where it is a key plank in how -- in
22 ensuring the integrity of Members.

23 Because right now the system relies --
24 and as people often say, we're all honourable men and
25 women up here -- on voluntary disclosure when it comes

1 to votes on different issues, and the conscientious
2 Member, the sensitive, will go to the Speaker ahead of
3 time and ask him whether he should declare and
4 disclose, and then out of an abundance of caution will
5 disclose on the floor of the House before speaking and
6 voting on particular issues. And of course, the
7 salutary or corrective to that is, if you ever get
8 found out after you've done it, there ought to be
9 serious repercussions, not only with your constituents
10 but with Members of the House.

11 Transparency and Integrity. I think
12 I've spoken to that in what I've said.

13 I don't know; does that answer your
14 question, Senator Baron?

15 **SENATOR BARON:** Yes. Thank you very
16 much.

17 **MRS. WOLFFE:** I have a question.

18 **THE CHAIRMAN:** Go ahead.

19 **MRS. WOLFFE:** Quickly. You mentioned
20 earlier about Back Benchers having access to resources
21 and that the Public Accounts Committee should be
22 meeting weekly.

23 In your estimation, what kinds of
24 resources should be made available to the House,
25 whether it be fiscal or human; what do you think is

1 needed, and as an immediate need here at the House?

2 **MR. BARRITT:** The first thing?

3 **MRS. WOLFFE:** Mm-hmm.

4 **MR. BARRITT:** And I know there's been
5 an effort already; this room needs to be tidied up so
6 it looks a lot more presentable to people who come in.

7 **MRS. WOLFFE:** Mm-hmm.

8 **MR. BARRITT:** That's the first thing.
9 You want people to know that you're serious about this
10 and your environment is the first reflection of that.

11 The Chamber, you can't beat that for
12 giving the right impression, but this room just takes
13 away from it.

14 **MRS. WOLFFE:** How about human
15 resources; what do you think's needed?

16 **MR. BARRITT:** I've only served on two
17 Joint Select Committees in my lifetime, never served on
18 any Standing Committees, and so I don't know that I can
19 speak to that directly with respect to the Public
20 Accounts Committee, but what you often need is the
21 person to my right, who is transcribing, so that you
22 have a record of what's said; secondly, you need
23 someone who acts as a secretary, which I presume you're
24 doing, Ms. Wolffe; and thirdly, you need access, on
25 occasion, to legal advice, and that cannot be the

1 Attorney General's Chambers, for obvious reasons, and
2 you've got to have that. And I would think that is a
3 kind of minimum that you need.

4 **MRS. WOLFFE:** Staffing; I'm talking
5 about from a staffing perspective.

6 **THE CHAIRMAN:** Well, human resources.

7 **MR. BARRITT:** You'd be better able to
8 speak to that than I would.

9 **MRS. WOLFFE:** No, I just thought maybe,
10 'cause I don't want to --

11 **MS. FOGGO:** But he did identify staff.
12 It doesn't have to be you, but --

13 **MR. BARRITT:** No, no, you have to
14 somebody sitting to the right of the Chairman, who
15 coordinates things.

16 **MS. FOGGO:** Exactly, and that's what
17 I'm saying. It doesn't -- no, what I'm saying, it
18 doesn't have to be The Clerk, per se, but somebody.

19 **THE CHAIRMAN:** Right. Okay.

20 **MR. BARRITT:** I think one committee I
21 went in front of there was somebody seconded. Miss
22 Ebbin? On the Elections Committee?

23 **THE CHAIRMAN:** We have to begin to wind
24 this up, because we have our second one outside as
25 well.

1 **MS. FOGGO:** Yeah. Yes.

2 **MRS. ATHERDEN:** The only thing I was
3 going to say, and then presumably the other side of it
4 is it's sort of not just like in here for, like, a
5 meeting, because if the committee's are going to have
6 people out, going out and gathering information and
7 coming back and making some recommendations for
8 presentation, then it's also resources to take what
9 they've got and put it into some sort of --

10 **MR. BARRITT:** A scribe.

11 **MRS. ATHERDEN:** Yes.

12 **MR. BARRITT:** Yeah. No, no, I mean,
13 that's a problem we faced on the Joint Select Committee
14 on Crime and I have to tell you that personally I took
15 on more than probably a Member should be expected to do
16 in drafting that document, but, you know, you do what
17 you have to do.

18 And the other thing is, I mean, if you
19 ever got to this point, you'd love to have access to a
20 research officer.

21 **MRS. ATHERDEN:** That was the person I
22 was thinking about.

23 **MR. BARRITT:** So some of your work is
24 done --

25 **MRS. WOLFFE:** Library/Research Officer.

1 **MR. BARRITT:** That's right. Some of
2 your work is done before you come in, so you can ask
3 the right questions. It's one thing to ask questions,
4 you really want to be able to ask the right questions.
5 And then if someone hasn't thought of the right
6 questions you want to be able to ask the questions that
7 aren't being asked.

8 **MS. FOGGO:** Right.

9 **MR. BARRITT:** Can I just say one thing,
10 Mr. Chairman, before I go?

11 **THE CHAIRMAN:** Yes.

12 **MR. BARRITT:** And this goes to my
13 vision and my philosophy of what a Legislature should
14 be. You must always ensure that the Back Bench in
15 numbers is greater than that of the executive for it to
16 work effectively.

17 **MS. FOGGO:** Exactly.

18 **MR. BARRITT:** And I said this to the
19 SAGE Commission when they said reduce to 30. And I
20 said, Well, if you're going to reduce the Cabinet to
21 eight and you're going to say that's a maximum, then 30
22 works for me.

23 **MS. FOGGO:** Mm-hmm.

24 **THE CHAIRMAN:** Yes, yes, I'm with you.

25 **MR. BARRITT:** But if you're going to

1 reduce the House to thirty, and then still allow for up
2 to 13 Ministers, --

3 **MRS. WOLFFE:** That's not gonna work.

4 **MR. BARRITT:** That doesn't work.

5 **THE CHAIRMAN:** Right.

6 **MR. BARRITT:** Because you know how
7 difficult it is to staff these Committees.

8 **THE CHAIRMAN:** Yes. Yes. Great
9 contribution.

10 **MR. BARRITT:** Okay? And you've got to
11 keep your eye on that, what I call that scale, that
12 balance, as you go forward, because -- that is, if you
13 buy my vision.

14 **MS. FOGGO:** Right. Can I just say one
15 thing in response?

16 And, what you were just talking about, I
17 guess, I agree with whole-heartedly. My only concern
18 when they came back with that is that in terms that
19 requires Constitutional changes, that we cannot do.

20 **THE CHAIRMAN:** No, they haven't, they
21 have Constitutional -- okay. We have to wrap this up,
22 because we have people waiting.

23 **MR. BARRITT:** But, you know, what
24 require --

25 **MS. FOGGO:** No, I'm just talking about

1 in terms of reducing the number, the number of MPs.

2 **MR. BARRITT:** The Premier of the day
3 could reduce the Cabinet down to eight tomorrow.

4 **MS. FOGGO:** He can do that. That's
5 right. That part he can do.

6 **MR. BARRITT:** That's permissible.

7 **MRS. WOLFFE:** That's right. He can do
8 that.

9 **MR. BARRITT:** And that works for me if
10 you keep 36 numbers. It ain't gonna work too well for
11 him and the rest of his Cabinet colleagues, I can tell
12 you, in my estimation, --

13 **MS. FOGGO:** Right. That part, you're
14 right.

15 **MR. BARRITT:** -- because, you know, you
16 want a check and a balance; you don't want to tilt it
17 all another way.

18 **MS. FOGGO:** Exactly.

19 **MR. BARRITT:** So, but I said if you
20 reduce it and do that, it'll work.

21 **MS. FOGGO:** I agree.

22 **MR. BARRITT:** I'd like to think that --
23 you know, I've heard all this stuff over the years
24 about Britain says you're not getting any more
25 Constitutional change short of independence. I think

1 that's nonsense, and until you knock on the door and
2 ask, --

3 **MRS. ATHERDEN:** You don't know.

4 **MR. BARRITT:** You don't know. Because
5 things -- Governments change and attitudes and policies
6 change.

7 **THE CHAIRMAN:** Mr. Barritt, for time
8 constraints and respecting your time and the rest of
9 the Committee's, and the people waiting outside, first
10 of all I'd like to say, thank you for your
11 contribution.

12 The vision issue we will definitely take
13 and spend more time on. A lot of the recommendations
14 that you've had in regards to a Governance Committee, I
15 can say to you unequivocally we are in support of that
16 as a Committee at this stage already.

17 **MS. FOGGO:** Right.

18 **THE CHAIRMAN:** So you will probably see
19 that as, you know, the number one tick on our
20 recommendation.

21 A number of the issues with
22 transparency, the media, and even Senator Baron, those
23 issues are addressed, we have social media guidelines
24 for Parliament that we're going to try to incorporate
25 in the Report, so that will address some of the

1 accessibility issues.

2 I don't think we're too far apart and I
3 look forward to seeing the written journal of your
4 contribution.

5 My question to you is, if we would like
6 to have you come back in or contact you to clarify
7 certain issues, will you be available to support us in
8 that endeavour?

9 **MR. BARRITT:** Yes.

10 **MR. BASCOME:** Most definitely so.

11 **THE CHAIRMAN:** Okay.

12 **MR. BARRITT:** No, no, not a problem,
13 providing I'm in the Island and I'm still upright.

14 **THE CHAIRMAN:** Fair enough. Fair
15 enough.

16 **MR. BARRITT:** And if I'm not, you can
17 read what I've written, --

18 **MR. BASCOME:** We have wheelchair access
19 now. You just said it.

20 **THE CHAIRMAN:** So I want to thank you
21 very much.

22 **MR. BARRITT:** You're very welcome. As
23 I said, one of things -- and I understand how you feel,
24 but it's the political will, it's the executive that
25 you have to speak to, because it ultimately means you

1 have to give up something.

2 **THE CHAIRMAN:** Exactly.

3 **MR. BARRITT:** In order to change the
4 culture, you're going to have to give something up, and
5 you're not going to get the immediate return in the
6 first instance, but I think gradually over time you
7 will shift people's attitudes, particularly outside of
8 here, and that will have some effect on people inside.

9 **THE CHAIRMAN:** Well, I'll say this
10 here, as the first step in the right direction, the
11 Premier had agreed that I can move ahead with the
12 formation of the Committee to address Governance of
13 Parliament. That's the first step. So the Cabinet --

14 **MR. BARRITT:** Which Committee are you
15 talking about?

16 **THE CHAIRMAN:** This Joint Select
17 Committee. Before we brought it to the House --

18 **MR. BARRITT:** You see, there you go,
19 you're telling me that this didn't happen except --

20 **MS. FOGGO:** You had to get his
21 approval.

22 **MR. BARRITT:** -- the executive gave you
23 the power, and it shouldn't happen that ways.

24 **THE CHAIRMAN:** No, what I'm saying
25 is -- because your concern is that the Government

1 should take this on board. I'm just telling you that
2 when we worked this through, you know, as a Government
3 Member, --

4 **MR. BARRITT:** Yeah. I hear you. I
5 hear you.

6 **THE CHAIRMAN:** -- I had to take my
7 motion to my caucus before it came to Parliament.

8 **MR. BARRITT:** Yes, yes, I know how that
9 works.

10 **THE CHAIRMAN:** Exactly. And so all I'm
11 saying is, the Premier and Government has supported the
12 progression of this motion.

13 **MR. BARRITT:** Yes. Everybody will say
14 the right thing, --

15 **MS. FOGGO:** Yes. They may not do the
16 right things.

17 **MR. BARRITT:** Everyone will pose and
18 posture in the right way, Mr. Simons, but I want to
19 tell you that if -- now, I hope I'm not being unfair
20 here. You can tell me if I am.

21 **THE CHAIRMAN:** No.

22 **MR. BARRITT:** But when I look back on
23 this year, and it's been a year since the new
24 Government's been in power, I've seen no change in the
25 way business is conducted in the House, and I say that

1 particularly at the time of budget, for the limited
2 stuff that I listen to, --

3 **THE CHAIRMAN:** Yes.

4 **MR. BARRITT:** -- that was very
5 disappointing for me personally, because here's an
6 opportunity, when a new Government comes in, to sweep
7 with a new broom and even if you knock something over
8 accidentally, you get forgiven because it's early days.

9 **THE CHAIRMAN:** No, no.

10 **MR. BARRITT:** But that, to me, evinced
11 an attitude that I didn't find welcome.

12 **THE CHAIRMAN:** Well, we accept that.

13 **MR. BARRITT:** And that's why I say to
14 you, you need the political will at the end of the day,
15 when the rubber really starts to meet the road, that's
16 when you find out where people really stand on the
17 issue.

18 And I know it's difficult, you know,
19 it's not going to be easy, but I think ultimately it's
20 the right thing, because having been in and come out
21 now and I look at what's going on, the more you can
22 take out and put in the things that help people to
23 actually work together -- I don't mean hold hands and
24 say the same things, I mean actually be able to debate
25 and have conflict, in a civilized way, because you have

1 your turn and I'll have my turn. Yes, Government will
2 decide at the end of the day. I think it'll engender
3 and promote a whole different and better attitude
4 towards politics.

5 **THE CHAIRMAN:** I agree. Thank you.

6 **MS. FOGGO:** Thank you, Mr. Barritt.

7 **MR. BARRITT:** But call me naive and
8 romantic, even at age 63.

9 **MR. BASCOME:** Well, you're a youngster.

10 **MR. BARRITT:** Thank you, Mr. Bascome, I
11 appreciate that.

12 **THE CHAIRMAN:** Thank you, Mr. Barritt.

13 **MR. BARRITT:** You're very welcome.

14 --- at 2:25 p.m.

15 - - - - -

1 **MONDAY, 18TH NOVEMBER 2013**

2 --- upon commencing at 2:30 p.m.

3 **INVITED PRESENTER: Dame Jennifer Smith**

4 **THE CHAIRMAN:** Dame, --

5 **DAME JENNIFER SMITH:** Yes.

6 **THE CHAIRMAN:** -- on behalf of the
7 Joint Select Committee, I would like to personally
8 thank you for taking time out of your schedule to come
9 and share your thoughts with us.

10 **DAME JENNIFER SMITH:** Okay.

11 **THE CHAIRMAN:** Before we start, I would
12 like to officially go on record to thank you and the
13 Honourable John Barritt for getting this process
14 started during your tenure in the House of Assembly.

15 **DAME JENNIFER SMITH:** Mm-hmm.

16 **THE CHAIRMAN:** In particular I also
17 want to go on record to commend you and give you the
18 recognition that you rightfully deserve in updating the
19 Standing Orders of the House of Assembly.

20 **DAME JENNIFER SMITH:** Thank you.

21 **THE CHAIRMAN:** Because this is the
22 first step that Parliament has taken to bring its rules
23 in line with the recommended benchmarks.

24 **DAME JENNIFER SMITH:** Right.

25 **THE CHAIRMAN:** I've been told by the

1 Clerk that when she invited you she sent you an e-mail
2 which basically gave you a summary of the issues that
3 we would like to have touched upon.

4 **DAME JENNIFER SMITH:** Right. Right.
5 And that's where I'd like to start.

6 So let me begin by saying that I am
7 probably going to endorse 98 per cent of what my friend
8 John Barritt has said. We agree -- we disagree on
9 about -- I think it's about one thing. So, 98 per cent
10 of what he said, I just ditto.

11 **THE CHAIRMAN:** Okay.

12 **DAME JENNIFER SMITH:** Right? I thought
13 that, having looked at this, I would start with what I
14 felt, and I feel should be your priorities and I feel
15 that people who -- if you were writing a report, people
16 who read the report you would write would determine
17 your priorities from your placement of them.

18 **THE CHAIRMAN:** Mm-hmm.

19 **MRS. WOLFFE:** Priorities from your...?

20 **THE CHAIRMAN:** Placement of them.

21 **DAME JENNIFER SMITH:** From your
22 placement.

23 **THE CHAIRMAN:** I'm with you.

24 **DAME JENNIFER SMITH:** So, therefore, I
25 was concerned at the placement here.

1 You started off with "General", i.e.,
2 Elections, Candidate Eligibility.

3 Now, personally, I feel that that is
4 outside of your remit. I feel that that is the remit
5 of the political parties, who can get together, for
6 instance, with the Parliamentary Registrar, and discuss
7 those electoral issues, but I think that here your
8 determinations are Parliamentary issues.

9 Now, even if you could find a way, as
10 I'm sure you could, to put them in, I always believe in
11 starting at the beginning, and so there is an issue
12 that concerns, in my opinion, your ability to move
13 ahead, that I think you should tackle first. And that
14 is the separation of Parliament. We have it
15 technically separated, and while we're at it, you might
16 as well put the Judiciary in, because they're looking
17 for some help, because they're not separated either.

18 **THE CHAIRMAN:** Mm-hmm.

19 **DAME JENNIFER SMITH:** But as you would
20 be well aware, under the Westminster system, the checks
21 and balances are provided by the three parts of
22 Government.

23 **THE CHAIRMAN:** The three. Government,
24 yes.

25 **DAME JENNIFER SMITH:** There's the

1 executive arm, which is Cabinet; there's the
2 legislative arm, which is Parliament and the Senate;
3 and there's the judicial arm; and they are supposed to
4 form as checks and balances on each other; therefore,
5 one cannot dominate the other. And therein lies the
6 problem.

7 You probably know by now, if you've read
8 your SAGE reports, that one of the recommendations is
9 that Parliament actually set up committees to have
10 oversight of Ministries. But I see a problem. If you
11 have a Minister having oversight of Parliament, and you
12 then try to set up committees to have oversight of
13 Ministries.

14 **THE CHAIRMAN:** Yes.

15 **DAME JENNIFER SMITH:** Right? So you
16 need to have that separation.

17 Now, we understand that under the
18 Westminster system everything that is paid for out of
19 the Consolidated Fund must have a spokesman on the
20 floor of the House who speaks for that, as it concerns
21 the expenditure of money. That's what they speak for.

22 There's been confusion of people
23 thinking because the Budget Book might have somebody
24 listed somewhere or have someone be responsible for,
25 that, because they speak for that area in the House of

1 Parliament, they are over it. And it's that slight
2 differentiation that we need to get fully underlined.

3 **THE CHAIRMAN:** For the Parliament.

4 **DAME JENNIFER SMITH:** Yeah.

5 **THE CHAIRMAN:** Right.

6 **DAME JENNIFER SMITH:** And, like I say,
7 while you're at it, the Judiciary are in the same
8 position, right, because -- because there is a Minister
9 of Justice, they've had some issues of people thinking
10 they're over the Judiciary.

11 **THE CHAIRMAN:** Yes.

12 **DAME JENNIFER SMITH:** Right? And I
13 think they know they're not over the judges, 'cause the
14 judges just won't have it, --

15 **THE CHAIRMAN:** Exactly.

16 **DAME JENNIFER SMITH:** -- but if you're
17 trying to exert authority over their staff, there comes
18 a problem where the judge has told the staff to do A,
19 and somebody else tells the staff to do B.

20 So, I can tell you, on Ms. Wolffe's
21 behalf, she had an issue sometime ago when she was
22 ordered by her PS not to go to the CPA Conference.
23 Now, this PS was brand new, had no idea that at the CPA
24 Conference the Clerks, the Society of Clerks, let me
25 call it correctly, have their annual meeting, because,

1 of course, being Parliamentarians from around the
2 world, and it is a professional development
3 organization for politicians, they try and put
4 everything in one. So, sergeants at arms, clerks, and
5 the parliamentarians, all have their meetings at the
6 same time, in the same place, so they get everybody
7 there and get you all back, because everybody has to go
8 back to wherever they are.

9 And, of course, the tickets are paid for
10 in advance, because you're going a distance and you try
11 to get the best rate.

12 So here's the ticket already paid for,
13 here's everything organized, names done, and it's her
14 professional development for her post, for her role,
15 and she's ordered not to go.

16 Now, she did go, but she had to go
17 through a whole lot of hoops to get to that place, when
18 it should have never arisen.

19 So, just explaining that to some of our
20 people.

21 But I am always embarrassed that we,
22 because we, Bermuda, thinks we're sharp, --

23 **THE CHAIRMAN:** Oh, I know.

24 **DAME JENNIFER SMITH:** -- and when we
25 go, particularly when we go to a regional conference --

1 we may not be able to pull it off in an international
2 conference -- when we go to regional conferences we
3 think we're there. And then we look at the minimum,
4 minimum benchmarks, and realise that we're not.

5 **THE CHAIRMAN:** And we're not.

6 **DAME JENNIFER SMITH:** We're not close,
7 in terms of the running of Parliament, the staffing of
8 Parliament or the ability of Parliament to satisfy the
9 needs of Parliamentarians, and by that we mean all
10 Parliamentarians, an Independent Member for -- and we
11 do have one now, should not be sort of out there on
12 their own, they should be able to know that there's
13 somebody that can type for them or --

14 **THE CHAIRMAN:** To support them.

15 **DAME JENNIFER SMITH:** -- do some
16 research, or whatever, and we don't that kind of --
17 Members are increasingly, sorry, calling for
18 committees, and I told the SAGE Commission, I said,
19 You're calling for this and you're asking them to cut
20 money, what you're asking for is going to cost more
21 money because they do not have the staff to cover the
22 committees.

23 **MS. FOGGO:** Right.

24 **DAME JENNIFER SMITH:** The last
25 Committee you had they brought in poor James Smith to

1 do it. Now, he did it, but you can't call on him
2 anymore. So, who are you going to get? You know, and
3 you do need to start training people, because you want
4 them to know, understand what they're hearing and what
5 they're doing when they're covering a committee for
6 you.

7 **THE CHAIRMAN:** Mm-hmm. Mm-hmm.

8 **DAME JENNIFER SMITH:** Unless you're
9 going to end up hiring an outside service, which is
10 going to cost you even more. Right? So, your ability
11 to provide what people want today, which are more
12 committees, is hampered by the fact that Parliament
13 isn't properly staffed.

14 So I go back to my theme, and I would
15 have made number one "Organization of Parliament".
16 Right? And under that I would put "Physical Plant and
17 Infrastructure". I'd separate that from where you had
18 it in "General", at the bottom of "General", as
19 "Legislature". I'd just put "Physical Plant and
20 Infrastructure" under "Organization of Parliament".

21 **THE CHAIRMAN:** Yes.

22 **DAME JENNIFER SMITH:** Because you can't
23 organize something that doesn't have a place to be, and
24 your place to be is in this building, and so you have
25 to -- considering the physical plant is part of you

1 considering their ability to do their job; for
2 instance, when they wanted to have the Hansard, the
3 ability to wire the House was greatly hampered by the
4 age of the building, and so what might in other
5 instances have been a simple matter was a very complex
6 and expensive matter here, so complex and expensive,
7 for instance, that to provide a Hansard to the Upper
8 House, which we should be doing, A), it's not housed in
9 a Sessions House which legislatively is Parliament,
10 it's housed in a building that is the Cabinet Building,
11 which is the other arm, which is not us.

12 **THE CHAIRMAN:** Yes. So it defies
13 independence.

14 **DAME JENNIFER SMITH:** And it's also an
15 old building, and so you have to consider, do you
16 invest the amount of funds that you would need to
17 invest in that other building, that belongs to somebody
18 else, for your Upper House, so that they can have a
19 Hansard, which they should have, because Parliament has
20 a Hansard.

21 **MRS. WOLFFE:** They should have that.

22 **DAME JENNIFER SMITH:** Now, the Hansard
23 Parliament have and the work that was done is for this
24 entire floor, like you're here in this room, and not
25 even this room, the room next door, the Supreme Court

1 Number 2.

2 I can tell you that when I was Deputy
3 Speaker I did give the Judiciary Notice to Vacate
4 Supreme Court Number 2. I did, but nothing happened.
5 There was a change and that was the end of that.

6 But I did give it to them and we did
7 have the Senate President up to look at the space. We
8 did measure the table and all of that and see that it
9 is viable for the Senate to move up here, and for us to
10 have a combination of the resources --

11 **THE CHAIRMAN:** Upper and lower.

12 **DAME JENNIFER SMITH:** -- because,
13 rather than Mr. Somner walking down the hill and
14 Ms. Talbot walking down, they're right here, and if any
15 of them is sick, there's a third person here who's
16 right here. And the President's Office could all be
17 located here and it's already wired, so they would
18 receive the Hansard.

19 But making that move, it would depend on
20 them moving out. Making that move I think would also
21 be beneficial to the Cabinet Office because I happen to
22 know that they need more space, and they actually have
23 part of their floor given up to Parliament, if you
24 will. So they would get more space if we were able to
25 move out.

1 And somebody could do an exercise in how
2 much Supreme Court Number 2 is actually used. It also
3 serves as the Appeals Court but, in my opinion, the
4 Civil Court could service as the Appeals Court, it's
5 much nicer, --

6 **THE CHAIRMAN:** Okay.

7 **DAME JENNIFER SMITH:** -- and, you know,
8 they could really do something.

9 **MS. FOGGO:** Can I ask you, what did you
10 think about where they used to have the Magistrates'
11 Court, 'cause I always thought that if we couldn't
12 house everybody here, and even if we eventually got
13 rid of the Supreme Court downstairs, our second house
14 could -- it's on the same grounds, --

15 **DAME JENNIFER SMITH:** It's on the same
16 grounds, right.

17 **MS. FOGGO:** -- and it could exist
18 there.

19 **DAME JENNIFER SMITH:** Yeah. And I
20 would argue that at a point where you could get to do
21 that, just amend the Act so you could include that
22 little section in the Sessions House grounds, because
23 everything else -- and you do know that the lower
24 parking lot is the House parking lot.

25 **MS. FOGGO:** Right. Right. Exactly.

1 **DAME JENNIFER SMITH:** Everything to
2 that walkway, all around, is the Sessions House and
3 it's governed by the legislation that governs Sessions
4 House, and just that little bit.

5 If you can get there, you can put it in
6 the 25-year plan, you can work on it, but that's what I
7 mean about priorities.

8 **THE CHAIRMAN:** Fair enough.

9 **DAME JENNIFER SMITH:** I would be
10 dealing with, can she get more staff? Where are you
11 going to put them? You know, can you get at least --
12 of course you want the whole building, but can we get
13 the top floor? You know, what is doable in the
14 foreseeable future.

15 So, Physical Plant and Infrastructure.
16 Procedures and Sessions, which actually would cover
17 your Rules. I think you've doubled up on what you're
18 saying because Rules and Procedures will go right in
19 that.

20 **THE CHAIRMAN:** Mm-hmm. Okay, well, let
21 me share this with you, Dame. In essence, we have
22 looked at a number of jurisdictions, and these
23 subtitles, --

24 **DAME JENNIFER SMITH:** Mmm.

25 **THE CHAIRMAN:** -- basically were just

1 drawn from the benchmark, recommended benchmark for the
2 Caribbean.

3 **DAME JENNIFER SMITH:** Mmm.

4 **THE CHAIRMAN:** And so we just said,
5 we'll just put these down as a guide for people making
6 contributions.

7 **DAME JENNIFER SMITH:** Right. Right.
8 Mmm.

9 **THE CHAIRMAN:** And so we just picked
10 them up and placed them here. So I really respect what
11 you're saying, --

12 **DAME JENNIFER SMITH:** One of the things
13 you need to be careful of, which is why we had to go
14 through the Rules, because they gave you rules that
15 were already done, but we had to go through them one by
16 one, that's because some of the countries you're
17 dealing with are independent countries.

18 **THE CHAIRMAN:** Yes.

19 **DAME JENNIFER SMITH:** So totally
20 different for us. And then some who are dependent,
21 again different from us because they don't have our
22 Constitutional position.

23 **THE CHAIRMAN:** Right.

24 **DAME JENNIFER SMITH:** So you really go
25 through everything line by line.

1 And Presiding Officer, I wouldn't deal
2 with that at all, because I think that will come under
3 your Procedures and Policies, you know, just as you
4 have in the Rules you have for election, when you speak
5 for this, it's all covered in there.

6 Your Convening of Parliamentary Sessions
7 I think is covered under your first item, that said
8 "Member Immunity" and "Member Resignation"; those two
9 items come under your procedures, again, and your
10 Rules, because all of that's in your Rules.

11 Advanced Notice and Agenda, all that's
12 in your Rules. Voting in The House, Maintaining a
13 Published Record, all that's in your Rules.

14 Now, the formation of Committees, that's
15 in your Rules, so you might want to enlarge it, but
16 there's already provision in the Rules for you to set
17 up Committees, whether they be a Standing Committee or
18 a Joint Select Committee, or whatever.

19 Under Parliamentary Staff, for me I
20 would do another little sub-head under the General,
21 which would be the Adequacy of Staff Numbers and the
22 Delineation of Duties, so that you know exactly who is
23 responsible for what and who is available, and that
24 will show you quite quickly that you don't have enough
25 staff.

1 **THE CHAIRMAN:** So, job descriptions.

2 **DAME JENNIFER SMITH:** You don't have
3 enough staff.

4 **THE CHAIRMAN:** Okay.

5 **DAME JENNIFER SMITH:** And Recruitment
6 and Promotion are something I think that you're going
7 to need when you get it separated from Government.

8 Right now I wouldn't say that the Clerk
9 is in charge of that totally. She's not, and she gets
10 people sent to her. So, you know, that needs to be
11 cleared up and be right under, in accordance with the
12 Rules and right under the Clerk.

13 **THE CHAIRMAN:** Because I read somewhere
14 that the Clerk in other jurisdictions should be treated
15 as a PS basically.

16 **DAME JENNIFER SMITH:** Yeah, well,
17 really, we just -- really, we were just so far off.

18 Most places, the Clerk is also a lawyer,
19 you know. So that -- because the Speaker often needs
20 legal advice.

21 **THE CHAIRMAN:** Right.

22 **DAME JENNIFER SMITH:** And he can't get
23 his legal advice from the same person that Government
24 gets their legal advice. You're not supposed to be the
25 same.

1 **THE CHAIRMAN:** Well, you and the
2 Honourable Mr. Barritt are on the same page there for
3 sure.

4 **DAME JENNIFER SMITH:** I told you we
5 would -- I told you -- I just agreed with my vote,
6 whatever John said, yes.

7 **MS. FOGGO:** That's why we can't go to
8 Chambers for it.

9 **DAME JENNIFER SMITH:** Right.

10 **MRS. WOLFFE:** That's why you need the
11 job description.

12 **DAME JENNIFER SMITH:** And if you
13 haven't provided then you need to provide a budgetary
14 item that allows for him to at least seek some advice,
15 and we actually had talked to some people, because I
16 think the law firm -- if you were to go to the Bar
17 Council, for instance, I think that they could agree,
18 certain law firms could agree, on a rotating basis, to
19 be available for consultation.

20 **MS. FOGGO:** Right.

21 **DAME JENNIFER SMITH:** Because that's
22 really what you want is for consultation. So it's not
23 like they're going to Court or anything, you're asking
24 them about a specific incident or Rule and what it
25 would be.

1 **THE CHAIRMAN:** Yes.

2 **DAME JENNIFER SMITH:** And our recourse,
3 of course -- and that's only after you've done the
4 other, because our recourse is to Maze, and then as to
5 other legislatures, because most people have been
6 through it already, and only if you can't sort it out
7 that way do you then go for, like, a legal opinion. So
8 it's not every day. It's very rare.

9 **MS. FOGGO:** I just want to ask a
10 question --

11 **THE CHAIRMAN:** Well, let her go through
12 her presentation then we can ask questions at the end,
13 because we just have to bring some discipline. So let
14 her go through and then we'll ask questions at the end.

15 **MS. FOGGO:** I wanted to go to the point
16 that she was on, but that's okay.

17 Thank you, Mr. Chair.

18 **THE CHAIRMAN:** Okay, continue, Dame.

19 **DAME JENNIFER SMITH:** No? Okay,
20 Mr. Chairman.

21 So, on your list where you had
22 Organization of Parliament, I would make that number
23 one.

24 Under that I would make Procedures and
25 Sessions a), Parliamentary Staff b), and Rules and

1 Procedures c).

2 Then I would go down to Functions of the
3 Legislature, I'd make that Item 2.

4 **THE CHAIRMAN:** Item 2?

5 **DAME JENNIFER SMITH:** Yeah. Because I
6 think your ability to do your job is "1", which is the
7 Organization of Parliament; are you set up in the
8 proper manner?

9 Then the functions, because you may have
10 some functions that are not normal, or you may have
11 extended it; for instance, we didn't have a Hansard
12 before, so prior to us doing that and bringing in
13 additional rules, we didn't have things that covered
14 the use of electronic devices in Parliament, which we
15 do have now.

16 **THE CHAIRMAN:** Mm-hmm.

17 **DAME JENNIFER SMITH:** And so I think
18 we're going even further with the provision of the
19 website and putting things up on the website, like
20 bills, and then perhaps an interactive ability, which
21 you might want to consider with your Members, so,...

22 The Legislative Function, the Oversight
23 Function, Financial and Budget Oversight, which is
24 where you come in with people's concern about how
25 Parliament is set up so that it is independent is that

1 there is a committee, actually, set up of Parliament
2 that has oversight of the Parliamentary Budget. So it
3 is not Government, which is, right now, not only has
4 oversight, but I can tell you another incident that
5 happened.

6 Ms. Wolffe was here managing her funds
7 in the best-possible way. She knew she had a multi-
8 year project, which was the Hansard project, and it was
9 a multi-year project. So she had budgeted accordingly,
10 and she knew the dates that she had to make payments,
11 because there was a Canadian firm and a local firm,
12 and, you know, she was dealing with that.

13 Well, somebody went looking for cuts,
14 saw money that was not spent, and took it. Just took
15 it. No consultation, you know, and the difficulty of
16 trying to correct that, which was corrected eventually,
17 but it shouldn't have happened, because all that stress
18 has an impact on the health of people.

19 **THE CHAIRMAN:** Yeah.

20 **DAME JENNIFER SMITH:** And, you know, we
21 need to consider that as well, because we've got --

22 **THE CHAIRMAN:** Well, I'll make this --
23 I'll reveal our hand.

24 **DAME JENNIFER SMITH:** Mm-hmm.

25 **THE CHAIRMAN:** For this room only, I

1 would say that the Committee supports the independence
2 of Parliament.

3 **DAME JENNIFER SMITH:** Mm-hmm.

4 **THE CHAIRMAN:** And we have, in essence,
5 agreed for the need to have an independent corporate
6 body that will oversee Parliament like a board of
7 directors.

8 **DAME JENNIFER SMITH:** Oversee, yeah.
9 Yeah.

10 **THE CHAIRMAN:** And so we're all on the
11 same page.

12 **DAME JENNIFER SMITH:** Yeah. Good.

13 **THE CHAIRMAN:** Already, on that.

14 **DAME JENNIFER SMITH:** And, so therefore
15 all the discussion about Members' salaries and all
16 that, that's for the corporate body. And we already
17 have a policy that, you know, no House does it for
18 itself, you always do it for a future House.

19 **THE CHAIRMAN:** Yes.

20 **DAME JENNIFER SMITH:** Right? So, now
21 there's a problem because they see people doing it
22 themselves and so it's not separated from Government,
23 you see; but when it's separated, then that comfort
24 level, I think, comes in.

25 **THE CHAIRMAN:** Okay.

1 **MS. FOGGO:** Mr. Chairman?

2 I do have to go, Dame Jennifer, and so I
3 just want to be able to ask a question, since he's
4 right on it right now.

5 The corporate body that we are in
6 agreement with, what was interesting was that you said
7 that you agree with, I think, 98 per cent of what
8 Mr. Barritt had to say.

9 **DAME JENNIFER SMITH:** Yes. Yeah. Just
10 in case he said something that I don't agree with, two
11 per cent.

12 **MS. FOGGO:** Well, Mr. Barritt talked
13 about that same body.

14 **DAME JENNIFER SMITH:** Mmm.

15 **MS. FOGGO:** But spoke about how it
16 should be manned, --

17 **DAME JENNIFER SMITH:** Composed, right.

18 **MS. FOGGO:** That's right. And he
19 pointed to three Government, two Opposition, one
20 Independent Senator, and -- not like that's the way it
21 should be.

22 We did have some debate regarding who
23 should man that management body and I do remember back,
24 sometime back, one of the things that I did say is that
25 I -- one of my concerns is that when you go to the

1 outside with people who don't understand how
2 Parliaments run and should be set up, you then have
3 the, I guess, the problems that we often find manifest
4 themselves, where -- you highlighted some of them, as
5 well as even when it comes right down to salaries, so
6 to speak, which are basically -- because she, let's
7 say, the Clerk, has intimate knowledge of how
8 Parliaments run, should be able to give ample input.

9 So my question is this: How do you feel
10 about the proposed manning of such a body? I think it
11 should exist within the Parliament, as opposed to --

12 **DAME JENNIFER SMITH:** I think it is --
13 first of all it is an oversight body.

14 **MS. FOGGO:** That's right.

15 **DAME JENNIFER SMITH:** It's not the body
16 that's up there every week, doing whatever. It's an
17 oversight body. The Clerk and -- and she may have a
18 financial officer, under Parliament, not --

19 **MS. FOGGO:** Right.

20 **DAME JENNIFER SMITH:** -- would do the
21 day-to-day and week-to-week, but then they report to
22 the oversight body, you know, on a, whether it's
23 monthly or quarterly or whatever basis.

24 The decision on how, I said that's for
25 discussion.

1 **MS. FOGGO:** Okay.

2 **DAME JENNIFER SMITH:** I don't have it
3 right now.

4 **THE CHAIRMAN:** Let me just ask you, as
5 a supplement to her comment.

6 **MS. FOGGO:** Right. Go ahead.

7 **THE CHAIRMAN:** What would be your
8 position on having two, a minimum of two outside, non-
9 politicos on that governing board, in addition to --

10 **DAME JENNIFER SMITH:** Wouldn't agree at
11 all. Wouldn't agree at all.

12 **THE CHAIRMAN:** Why?

13 **DAME JENNIFER SMITH:** Because, the very
14 first thing she said. People who don't understand
15 Parliament.

16 **MS. FOGGO:** That's right.

17 **DAME JENNIFER SMITH:** Now, if you
18 wanted -- and I would have to look to see if there's
19 any -- any other country that has done it --

20 **THE CHAIRMAN:** On a board level, not --

21 **DAME JENNIFER SMITH:** No, no. No, no,
22 at board level. The only thing that could be
23 considered would be a former Parliamentarian, who's
24 really considered a Parliamentarian, that's why a CPA -
25 - former Members of Parliament are members of CPA.

1 **THE CHAIRMAN:** Right.

2 **DAME JENNIFER SMITH:** Because you know
3 you understand. That's a possibility.

4 **THE CHAIRMAN:** Okay. That's fine.

5 **DAME JENNIFER SMITH:** Or someone from
6 the Senate, because the funds do cover both Houses.
7 But somebody from outside? By the time --

8 **MS. FOGGO:** That's the issue we have.

9 **THE CHAIRMAN:** But I accept the
10 former -- I have no problem with a former
11 Parliamentarian.

12 **DAME JENNIFER SMITH:** But I would have
13 to see if that is done anywhere, but that, to me, would
14 be plausible.

15 **MRS. ATHERDEN:** But presumably when
16 John was making the suggestion of someone from Senate,
17 then, because Senate also have independent people that
18 are appointed, --

19 **DAME JENNIFER SMITH:** Right. Yeah.
20 Yeah.

21 **MRS. ATHERDEN:** -- you have the
22 opportunity to, you know, to sort of --

23 **DAME JENNIFER SMITH:** Because, like I
24 said, the funds cover both Houses, so you need to have
25 both Houses represented.

1 **MS. FOGGO:** Right. That's why he said
2 an independent Senator.

3 That's why he said an independent -- he
4 said, an independent Senator, not --

5 **DAME JENNIFER SMITH:** He knew what he
6 was talking about.

7 **MS. FOGGO:** Exactly.

8 **DAME JENNIFER SMITH:** Yeah.

9 **THE CHAIRMAN:** Okay. You may continue.

10 **DAME JENNIFER SMITH:** Okay. So, sort
11 of related to your point -- I think I've finished with
12 this -- is a project that we started. We did a lot of
13 the research and work and I can tell you this project
14 was inspired by Quebec where we saw it, and other
15 countries have done it.

16 They had the names of everybody who's
17 served, up on their walls.

18 Now, the wall space we allocated for
19 this is out there by the elevator, that area, and the
20 research went back, because, you know, we started in
21 1621? Sometime like that. But we have most of the
22 research. A lot of the research has been done, back
23 and forward.

24 And the importance of that is that,
25 going to that point about people don't understand

1 Parliament -- and they don't -- we do have some classes
2 that come here, maybe during Budget, and they sit in
3 the gallery, but what I wanted the Parliament to do is
4 to have schools come, every school, it should be
5 mandatory, come on a visit and to the tour that Mr. Fox
6 gives.

7 Now, Mr. Fox' tour should start with the
8 outside, so he can explain the grounds and the building
9 and the clock tower and all that, and then go inside.

10 But what the purpose of the wall is that
11 some people only served one term, and people may have
12 forgotten them, because they only served one term, but
13 when you put the names up on the wall, with the
14 children you can say, Do you see your name up there?
15 Is your last name there? Is that person -- could that
16 be your grandfather? Your great-grandfather? Some
17 member of your family? Is that a relative?

18 We don't know. They don't know either,
19 but it gives them a personal link to Parliament, that
20 maybe somebody from my family served.

21 And actually you'd be surprised, when
22 you see the list of names, how wide it is, that there
23 is somebody from almost everybody's family that did
24 serve, at some point in time.

25 So, a lot of the work's been done. We

1 had costed it out, even with the local artist. I would
2 hope that you all would finalize that and actually put
3 it up, and because then you could start conducting
4 these school tours on a basis, whether it's one school,
5 you work out that once a week you have a tour coming
6 through with a school, and --

7 **THE CHAIRMAN:** And I think on the flip
8 side, at the CPA this year, it was revealed that a
9 number of the Speakers, and Clerks, like Ms. Wolffe,
10 also go out to the schools to outreach in the
11 community, and I think the Speaker's begun that by
12 speaking at the Lions Club, I mean that was just one
13 event I can think of.

14 **DAME JENNIFER SMITH:** Mmm.

15 **THE CHAIRMAN:** We have to do, as an
16 institution, more outreach and go into the backyards of
17 the community so they understand.

18 **DAME JENNIFER SMITH:** Well, actually,
19 we do more than a lot of countries, because a lot of
20 people, when it comes time for the CPA Youth
21 Parliament, if they're doing anything, people actually
22 just get young people for that event, but we actually
23 have an active Youth Parliament.

24 **MRS. WOLFFE:** Our Youth Parliament is
25 more active, but in terms of the outreach, no.

1 **DAME JENNIFER SMITH:** It's more active
2 than most countries. There are very few that are as
3 active as us. Because when we go -- and then our guys
4 won, when they go and debate -- because, you can tell
5 that that meeting every week has --

6 **THE CHAIRMAN:** Helps. It helps.

7 **DAME JENNIFER SMITH:** Yeah, has a
8 benefit.

9 **THE CHAIRMAN:** Okay.

10 **DAME JENNIFER SMITH:** But most people
11 are not doing that much, and it does help.

12 But I also think that it's important to
13 recognize the contribution of people who gave in the
14 past, when to give was a real sacrifice.

15 **THE CHAIRMAN:** Yes.

16 **DAME JENNIFER SMITH:** And it would be
17 nice if whoever is living still, for them to come up
18 and see their name there.

19 What we were doing was, we were doing it
20 by year of entry, so if you served multiple -- if you
21 served multiple elections, your name would be repeated.
22 But if you only did one, your name would be there, for
23 that one.

24 **THE CHAIRMAN:** Okay. Is there anything
25 else you'd like to contribute --

1 **DAME JENNIFER SMITH:** I think that's
2 it.

3 **THE CHAIRMAN:** Well, Dame, thank you
4 very much. We'll be crafting a Report, --

5 **DAME JENNIFER SMITH:** Mm-hmm.

6 **THE CHAIRMAN:** -- and in that process
7 we may have questions. We might say, Well, we need to
8 have Dame Jennifer in again just for clarity or to
9 bounce a few ideas off of her.

10 **DAME JENNIFER SMITH:** Mmm. All right.

11 **THE CHAIRMAN:** Would you be willing to
12 be available for us when we're crafting our document?

13 **DAME JENNIFER SMITH:** Of course. I
14 have great hope for your Committee.

15 **THE CHAIRMAN:** Well, thank you very
16 much.

17 If you have any afterthoughts, feel free
18 to contact me or Ms. Wolffe.

19 **DAME JENNIFER SMITH:** John is very
20 thorough. I worked with him for two years on that
21 project, so, I'm pretty sure you've got it all.

22 **THE CHAIRMAN:** Again, thank you very
23 much. Yes. And thank you for your contribution.

24 **DAME JENNIFER SMITH:** All right.
25 You're welcome.

1 **MRS. WOLFFE:** You have some notes there
2 you want me to see, or you're fine. You said your
3 order?

4 **DAME JENNIFER SMITH:** Oh, well, yes,
5 you can have that.

6 Yeah, that's the order. Sorry.

7 **THE CHAIRMAN:** Thank you, Committee.
8 --- whereupon the meeting adjourned at 3 p.m.

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13
14 **Certified correct to the best of my skill and ability:**

15
16
17 _____
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