

# Commission OF Inquiry

## Frequently Asked Questions (FAQ) July 2016

### ***1. Why was the Commission of Inquiry formed?***

The Commission was formed by Premier the Honourable Michael Dunkley JP MP to inquire into issues raised by the Auditor General in her [Report](#) on the Consolidated Fund of the Government of Bermuda for the Financial Years ending 31 March 2010, 2011 and 2012.

The Auditor General advised that many of her observations “point to a general failure to follow the rules (Financial Instructions) established by Government for the safeguarding of public assets.”

Per the Commission’s Terms of Reference, we are seeking to answer the following questions:

- Was the Auditor General correct that there was a general failure to follow the rules (Financial Instructions)?
- If so, how did this failure to follow Financial Instructions occur and why was the situation allowed to continue?
- What can be done to ensure that Financial Instructions are followed in the future?
- Is this failure to follow Financial Instructions ongoing?

Our investigation may also lead us to examine the circumstances of activity before or after the period cited by the Auditor General in her report.

### ***2. How were the Commission’s members chosen?***

The Premier has noted that he wanted a Commission that represented extensive experience in legal, governance and business matters. More about the backgrounds of each Commissioner can be in the Members section of the Commission’s website at [www.inquirybermuda.com](http://www.inquirybermuda.com).

**3. What is the Commission's timeframe for submitting a final report and recommendations?**

At the outset of its deliberations, the Commission was working with a 20-week timeframe. However, it became apparent that more time would be needed to allow potential witnesses to secure legal representation, if they wanted to do so, and to work with their counsel to prepare their witness statements.

As a result, the Commission has requested that its time frame be extended until the end of the calendar year.

**4. How was the law firm of Conyers Dill & Pearman chosen as the Commission's Counsel and why wasn't there a tendering process in this regard?**

The firm of Conyers Dill & Pearman (CD&P) was recommended to Chairman Sir Anthony Evans by the Attorney General's Chambers as one that could be relied upon to meet the Commission's needs thoroughly and with the required expertise.

Following a meeting between Sir Anthony and the firm's principals, the Commission retained CD&P on terms that include a discounted fee structure.

The Cabinet Office has advised that as an independent entity under the Commissions of Inquiry Act 1935, the Commission is entitled to retain counsel without the requirement to account for the expenditure as if the Commission were part of Government, or to comply with Financial Instructions.

**5. What is the budget for the Commission of Inquiry?**

The original budget allocated by the Bermuda Government to the Commission was \$480,000.00. However, because of the additional time requested for the Commission's investigation, this figure is expected to increase based on the longer timeframe.

**6. If I have information that's relevant to the Commission's investigation, what should I do?**

Please contact the Clerk to the Commission at [commission@inquirybermuda.com](mailto:commission@inquirybermuda.com), or by telephone at [1 441 294-0415](tel:14412940415) or [+1 441 294-0416](tel:+14412940416), or in person at the Commission's Office, Second Floor, The Swan Building, 26 Victoria Street, Hamilton HM 12, as soon as you can.

Arrangements can be made for you to provide information in confidence, initially at least, and for you to have access to legal advice.

***7. Will anyone be prosecuted as a result of the Commission's investigation?***

The Commission does not have the authority to initiate prosecution. Members will outline their findings and recommendations in a final report and it will refer any matters they think appropriate to the Bermuda Police Service to determine whether criminal proceedings are warranted and to initiate them.

***8. How can members of the community participate in the hearings?***

Any member of the public may attend the Commission's hearings. However, anyone who feels they have information relevant to the Commission's investigation must provide information in advance. Our next hearing begins on Wednesday, September 28, 2016 at 10:00am. The deadline for submitting information or providing a witness statement for this hearing is 14 days before, or Wednesday, September 14, 2016.

***9. Is this a political 'witch hunt' as has been alleged by some members of the Bermuda community?***

No. At the outset, we affirmed our commitment to a fair, objective and non-partisan process. This Commission is driven solely by the desire to identify if Financial Instructions have been followed by those bound to follow them and, if not, to recommend measures to prevent such behaviour from occurring again.

For this reason, we are investigating expenditures and processes that have taken place before and after the years cited in the Auditor General's Report. As a result, our inquiry addresses activity under different elected officials and transcends party politics.

***10. Where will the Inquiry be held?***

Hearings will take place in St. Theresa's Cathedral Hall, entering from Laffan Street.

***11. Why was St. Theresa's Cathedral Hall chosen as the venue and why do you begin proceedings at 10:00am? How is the working man or woman expected to attend hearings held during the workday?***

It was surprisingly difficult to secure a venue that was centrally located, available, could accommodate the expected number of attendees, had parking in the vicinity and would be seen as 'neutral ground'. After numerous approaches to a wide variety of venues, some of which declined our request to rent their facility, we found St. Theresa's, which met all of these requirements.

A start time of 10:00 a.m. during the workweek is admittedly not convenient for those with work commitments. However, it does enable witnesses with children in school or other family commitments to fulfill those obligations first before attending the Hearings, and reduces the impact rush hour traffic might have on those attending the Hearings. Holding Hearings on the weekend was never considered a reasonable option, given the intrusion it represented on families.

**12. *What parking is available at the site of the Hearing?***

There is no parking for cars or bikes available at St. Theresa's Cathedral Hall. It is suggested that persons wishing to attend the Hearing park at Bull's Head Car Park.

**13. *How can I find out when the Hearings are taking place?***

We will publish information regularly on the Commission's website at [www.inquirybermuda.com](http://www.inquirybermuda.com).

**14. *What are the rules surrounding public attendance?***

Hearings will be open to the public, on a first come basis. There are a small number of seats available in the Hearing room and these will be allocated on a first come basis.