



GOVERNMENT OF BERMUDA

The Cabinet Office

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Commitment to Good Governance

Section 111 of the Criminal Code Act 1907 which states that “Any Person:

(a) who, being employed in the public service, or being the holder of any public office and being charged with the performance of any duty by virtue of such employment or office (not being a duty touching the administration of justice) corruptly asks, receives, or obtains, or agrees, or attempts to receive or obtain, any property or benefit of any kind for himself or for any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office; or

(b) who corruptly gives, confers, or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon, or for, any person employed in the public service, or being the holder of any public office, or to, upon, or for, any other person, any property or benefit of any kind on account of any such act or omission on the part of the person so employed or holding such office, is guilty of a misdemeanour, and is liable to imprisonment for three years.”

Members of Parliament are also not exempt from this type of legislation. In fact the penalties for Honourable Members are even greater. Section 15 and 16 of the Parliament Act, 1957 states that:

15: Any member of either House of the Legislature who asks, receives or obtains, or who attempts or agrees to receive or obtain, any bribe, fee, compensation, gift, reward, or other property, or any other benefit of any kind, for himself or for any other person upon the understanding that his vote, opinion, judgment or action upon any question or matter arising or expected or likely to arise in that House or in any legislative committee—

(a) is to be influenced thereby; or

(b) is to be given in any particular manner; or

(c) is to be given in favour of any particular side in any question or matter, or that he should absent himself from that House or legislative committee, commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 5 years or a fine of \$84,000 or both such imprisonment and fine.

Bribery of member an offence

16: Any person who:

(a) in order to influence a member of either House of the Legislature in his vote, opinion, judgment or action on any question or matter arising or expected or likely to arise in that House or in any legislative committee; or

(b) in order to induce any such member to absent himself from that House or from any legislative committee, gives, confers or procures, or promises or offers, or agrees to give or confer or to procure or to attempt to procure, any property or benefit of any kind to, upon, or for, such member or to, upon, or for, any other person, commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 5 years or a fine of \$84,000 or both such imprisonment and fine.

Government will also be expanding on the offence of “provision of inducements to obtain preferred treatment”. Honourable members will be aware that we had agreed in principle to have the UN Convention against Corruption extended to Bermuda by the United Kingdom.

“Providing inducements to obtain preferred treatment” has been identified as a widespread phenomenon internationally in business transactions, including trade and investment, which raises serious moral and political concerns, undermines good governance and economic development, and distorts international competitive conditions.

To be effective, the proposed Act must be broad in scope, capturing the offence of “providing inducements for preferred treatment” within both the private and public sectors, as has been done in other jurisdictions that have introduced this legislation. We have learned from the experience of those jurisdictions, particularly the United Kingdom, which enacted the Bribery Act 2010 on the 1st July this year, that we must approach this with care and diligence, and undertake wide-spread consultation with the business community.

Government will be further extending Whistle - Blowing protection to include small businesses which may have experienced and been the victims of unfair practices but are afraid to speak out for fear of being blacklisted from future opportunities.

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