

COMMISSION OF INQUIRY

Counsel Statement

1. Mr. Chairman, can I say a few words summarising what actions we, as Counsel to the Commission, have taken in order to assist the Commission in its inquiry.
2. All the work that has been undertaken is designed to assist you in discharging your duty to inquire into the matters set out in your terms of reference and identified by you in detail in your Opening Statement.
3. The context in which we have approached this work is on the basis that the Commission is involved in an inquisitorial process and we are seeking to assist the Commission in gathering all the documentary material from the relevant Government Departments and third parties and, where possible and desirable, to obtain witness statements from the relevant individuals.
4. Our role is to search out, analyse and produce for you the material and evidence which relates to the matters you may wish to consider. We have been mindful of the Commission's responsibility to act fairly in regard to all of those affected by its work. In doing all of this work on your behalf, we of course take no side. Given the scope of the Inquiry and the responsibility to act fairly, the gathering of evidence in terms of documentary material and witness statements has been, and will continue to be, time consuming.

5. We approached our task by having a number of meetings with the Auditor General and her staff. We have reviewed the initial documentation provided to us by the Auditor General which in turn has led to requests for further documentation from the relevant Government Departments.
6. We have also had preliminary discussions with a number of individuals who we anticipate will be giving evidence in relation to the issues to which you have referred.
7. As a result of our preliminary review of the documents and discussions with some of the relevant witnesses, we have written to a number of Government Departments seeking answers to specific questions and requesting specific documentation. We have requested that the information and documents be provided to the Commission by 30 June 2016.
8. We have made such requests to:-
 - (i) The Cabinet Office;
 - (ii) The Office of the Tax Commissioner;
 - (iii) The Ministry of Finance;
 - (iv) The Ministry of Tourism;
 - (v) The Ministry of Education;
 - (vi) The Ministry of Public Works; and
 - (vii) The Accountant General.
9. By those requests, we have sought information and specific documentation in relation to:-

- (i) Commercial Court/Ministry of Finance renovation contract in 2009 (¶3.1.2 of the Report);
 - (ii) Maintenance and Store Building Contract in 2010 (¶3.1.3 of the Report);
 - (iii) Purchase of sand and rock in 2010 (¶3.1.4 of the Report);
 - (iv) Renovation of Department of Human Resources (¶3.1.5 of the Report);
 - (v) Central laboratory contract (¶3.1.6 of the Report);
 - (vi) GET security arrangements;
 - (vii) Global Hue contractual arrangements;
 - (viii) Ambling Development Services contractual arrangements; and
 - (ix) Bermuda Emissions contractual arrangements.
10. Upon receipt of information and documentation by 30 June 2016, we anticipate follow up questions to the relevant Government Departments. We also intend to seek information and documentation from third parties relating to tendering and ownership.
11. The Commission has also decided to consider additional projects and accordingly we will be writing this week to the relevant departments to obtain the necessary documentation for those projects as well. These projects include the TCD Emissions Centre, the Dame Lois Browne Evans Building, Heritage Wharf and the current Airport Development.

12. At the same time, we intend to send to each witness a request for statement in respect of specified questions. As indicated by you, such a witness will be offered our assistance, if requested, in producing the statement. We also intend to provide each witness with a binder of documents which may be relevant to his or her witness statement. We anticipate that the process for taking voluntary witness statements should be completed by the end of July 2016. If a witness is not prepared to give a voluntary statement, that witness is expected, and if necessary, will be required to appear at the hearing and will be examined in relation to relevant issues by counsel to the Commission.
13. We will undertake to produce a hearing schedule so that, as far as possible, witnesses will know when other witnesses may be called to give evidence at the hearing.
14. We anticipate that witnesses and other parties may make procedural applications to the Commission. These applications may include (i) representation by counsel under section 12 of the Commission of Inquiry Act 1935, (ii) to be added as a party, to (iii) to give evidence in private. These and any other application should be made in writing and addressed to the Commission as soon as possible and, in any event, no later than 14 days before the hearing.
15. On the basis of this schedule, it should be possible for the witnesses to give evidence at a public hearing in accordance with the Commission's proposed timetable of hearings.

Narinder Hargun

Jeffrey Elkinson

27 June 2016