

International Conference on Benchmarking and Self-Assessment for Democratic Parliaments

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The Parliament of Bermuda – A Case Study

First of all, let me say how honoured I feel to make a contribution to this session.

It is my intention to first explain the background against which Bermuda's Parliament developed and, in doing so, draw attention to our particular strengths and weaknesses.

I do this from the vantage point of having served as a backbencher, a Shadow Minister, Opposition Leader, Premier and, for the past 7 years as Deputy Speaker.

Bermuda has the oldest Parliament in the Western Hemisphere, ours is a bi-cameral legislature, exercising parallel functions to those of the House of Commons and the House of Lords in the UK. Our Parliament first met in 1620 and is currently housed in a building which began as a simple two-story edifice in the year 1819. Parliament moved into the building in 1826 and a clock tower and Florentine façade was added in 1893. There have been many additions over the years, the most recent, to provide elevator access to the second story. It is a very attractive building, but wholly inadequate to the current needs of Parliament in terms of infrastructure.

Our House of Assembly consists of **thirty-six** elected members, [**twenty-two** representing the Progressive Labour Party, with the remaining seats filled by the United Bermuda Party (**9** Members), the Bermuda Democratic Party (**3** Members) and **two** seats are held by Independent Members].

Situated in a different building is our Upper House, the Senate, with eleven Members: **five** Government; **three** Opposition Leader; and **three** independents.

The presiding officers of both houses - the Speaker in the House of Assembly and the President in the Senate- are elected by their peers in their respective Chambers. Their roles are similar: to preside over meetings, regulate debate, arbitrate on procedural matters, make decisions on points of order and give rulings when and where necessary.

The Speaker is usually elected from the majority Party, while the President of the Senate has always been elected from among the independent Senators. Once

elected, the Speaker renounces party affiliation and does not participate in any of the debates. {A Deputy Speaker and a Vice-President are also elected by their peers to assist the Presiding Officers in the event of illness or absence, or to provide relief during lengthy debates.}

There is a difference between the two Houses in that the President of the Senate can contribute during deliberations and can vote alongside his/her peers. The Speaker, on the other hand, cannot take part in House of Assembly debates, and can only vote in the event of a tie.

All proceedings of both Houses are open to the public and are also broadcast gavel-to-gavel on the radio.

The House of Assembly meets once a week on Fridays; while the Senate meets once a week on Wednesdays. During the Budget Debate, meetings are held three times a week [Mondays, Wednesdays and Fridays] over a period of three weeks to ensure that all discussion and the relevant legislation is passed and assented to by the Governor before the March 31st financial year deadline.

Both Houses of the Legislature meet together only on occasions of great significance such as the convening of Parliament, the twenty-fifth anniversary of Bermuda's Constitution (1993); the three hundred and seventy-fifth anniversary of Bermuda's Parliament (1995); or to pay tribute to significant Members who have died while in office.

In Bermuda, expenditure on Parliament has always been viewed as expenditure on the Members of Parliament, who – it is widely viewed – should serve for free. When the Commonwealth Parliamentary Association first began looking at Minimum Benchmarks for Democratic Legislatures, we were immediately interested because we needed an independent platform on which to base the changes that were needed and in order to educate civil servants and the public about the basic needs of Parliament.

We began by reviewing our Rules; the prime instrument used in this process was the CPA's ECU Template. Our Rules and Privileges Committee set up a sub-committee comprised of Opposition Member John Barritt and myself. Thus began a process that had not been undertaken for over 20 years. The new Standing Orders are currently on the Order Paper to be debated and approved by Members.

Bermuda hosted a CPA Benchmark Seminar and we went through the process of measuring ourselves against the Benchmarks. This exercise allowed Parliamentarians to see for themselves that "Bermuda was not up to scratch" [I can assure you that this was surprising to them as we like to think of ourselves as first in all areas and with one of the oldest Parliaments, they thought we should be the most democratic. Not so].

As a result of the exercise, we learned that Bermuda fell short when it came to **Benchmarks 1.7.1., 5.1.2., 5.2.1., 6.1.2. and 8.1.1.**

In Bermuda, the fundamental areas where we need to improve are:

- ❖ Adequate and proper facilities
- ❖ Sufficient qualified staff, and
- ❖ An operating budget adequate to the need of serving both Parliamentarians and the public.

Benchmark 1.7.1. - States: *“The Legislature shall have adequate physical infrastructure to enable Members and staff to fulfill their responsibilities.”*

Legislating is Parliament’s primary responsibility. As an isolated island (the northernmost archipelago in the Atlantic Ocean), this responsibility could be made so much easier in Bermuda with the use of technology. We do not have the capacity or the room to provide a library (computerized or otherwise) for our Members without undergoing extensive building renovation. In the interim, our Members need to be able to access the web, where other Parliaments post their debates, laws and research, from their seats.

Members should also be able to use email and other web-based technology to communicate with their constituents and colleagues around the world – their ability to do so can not be based on personal, business or political affiliation.

Of course, Parliamentary staff have access, [after all, Bermuda is a leader in ecommerce and telecommunications] and they help Members as much as they can; but the fundamental need required us to first wire the Chamber (so that Members can use laptops) and amend our Rules (recently rewritten based on the CPA’s ECU Template) so that use of such technological gadgets (including blackberries) are no longer against the rules.

Benchmark 6.1.2. - States: *“Only the Legislature shall be empowered to determine and approve the budget of the Legislature.”*

Currently (*and let me state clearly that there is a Cabinet commitment to correct this situation*) our Parliamentary Budget is under the control of a Permanent Secretary, then the Minister of Justice and then the Cabinet.

Thus, having budgeted for the introduction of a Hansard, a multi-year project which was in its final phase, we had the indignity of having the P.S. concerned arbitrarily delete our funding because “it hadn’t been spent”. Of course, Cabinet reinstated the funding because Hansard is something they want and had made one of their own Throne Speech promises.

Benchmark 5.1.2. – States: “*The Legislature, rather than the Executive Branch, shall control the Parliamentary Service and determine the terms of employment.*”

And **Benchmark 5.2.1.** – States: “*The Legislature shall have adequate resources to recruit staff sufficient to fulfill its responsibilities.*”

Just last week, a non-functioning staff member was transferred. The situation was this: the Clerk had established a need for an additional staff Member – but she had to put this request before the P.S. who instead of looking at the qualifications and experience needed for the post, transferred a Ministry staff member to the post. It was clear almost immediately that this person was not a good fit, but it took the Clerk over a year to rectify the situation – now the Clerk has to start over and find someone who will be a good fit for the post.

Benchmark 8.1.1. - States: “*The Legislature shall provide all legislators with adequate and appropriate resources to enable the legislators to fulfill their constituency responsibilities.*”

Since the General Election of 2007, the make-up of our Parliament has changed dramatically. We began with 22 Government Members and 14 Opposition Members. Since then, first 1, then 2 Opposition Members left to sit as Independents, then 4 Opposition Members left to sit as a new Party called the Bermuda Democratic Alliance (BDA).

Historically, Bermuda’s Parliament provided no more than minimum services for Members – no stamps, no transportation, and no secretarial services; there is free local telephone service. The ability of Parliamentarians to carry out their legislative and constitutional functions is almost totally dependent on the political parties. Now, with the current make-up, we can no longer rely on political parties providing for their Members, we have to ensure that all Members are able to communicate with their constituents and carry out their representative duties.

Government has expressed its intent to raise Members’ salaries, but in the current economic climate, has not been able to move forward with this intent. It is an unfortunate, but true, that the public perceives any funding given to Parliament to be “politicians giving to themselves” – a perception that can be eradicated through education and training.

While I am proud of our Parliament and its longevity, there is a clear need identified by all parties concerned for both improvement and strengthening.