Ministerial Statement
Sandys 360 PATI Request
Lt. Col. the Hon. David A. Burch, OBE (Mil), ED, JP, MP
Minister of Public Works
July 5th, 2019

Good morning, Mr. Speaker.

You will recall that it was March 5th last year that this House considered a proposal for the Government to purchase the Sandys 360 facility.

Since that time there has been a concerted effort on the part of the daily tabloid newspaper to litigate to death all aspects of the arrangements surrounding that facility. I do not propose to continue down that path but rather to report on the most recent public attempt to force the Department of Public Lands and Buildings – a department within the Ministry of Public Works to release the 2016 financial report.

Mr. Speaker, KPMG were commissioned to produce the report by the Trustees of the school who own the Sandys 360 facility. The former government rejected a PATI request to release the report stating it was exempt from disclosure because it was provided in confidence.

Following the change in government, a subsequent appeal was made to the Information Commissioner who concluded that there was no express communication or understanding that it was given in confidence and she ordered its release. This Government disagrees with that decision as well.

Mr. Speaker, I must say that it appears to me that the Information Commissioner, Mrs. Minors, is going out of her way to provide all manner of support to the daily. I’ll give a few examples –:

She noted on June 3rd this year and I quote: “The Government is now in the process of buying the Centre for $1 million from the Trustees of Sandys Secondary Middle School” and she said “The Government has provided limited rationale and factual information concerning its decision making around Sandys 360, primarily provided during parliamentary debate.” End quote.

Mr. Speaker, the last time I checked the Bermuda Constitution – it indicated that Parliament was supreme and matters presented, debated and passed in this House generally become the law of the land. The above quote displays a breath taking naivety about our parliamentary system of governing.

Such a cavalier dismissal of the proceedings of this House should be as offensive to the other 35 members as it is to me. As I indicated earlier, when I presented the proposal to purchase Sandys 360 on March 5th, 2018– it was a comprehensive, fulsome and compelling rationale and reasoning for doing so, which was generally supported by the Opposition. I won’t repeat my comments here but suffice to say the full text can be found on page 1,424 of the Official Hansard Report dated March
5th, 2018 and I would invite the Commissioner and anyone else who is interested in
the full debate to continue their reading to page 1,427.

For context though, Mr. Speaker, I repeat a small section here of what I said then
and I quote,

Mr. Speaker, the Government considered options in relation to the property and are of
the view that the property is of such operational significance to the school that
Government should purchase it from the trustees. The land used to secure the original
$9.5 million loan from HSBC Bank of Bermuda to build the centre includes part of the
school playing field and some school buildings. At present, Government owns the land
on which the majority of the school sits, and the Government will be acquiring the
remainder through this purchase. End quote.

Mr. Speaker, that statement alone is clear reasoning for the decision reached – but
there are others contained in Hansard.

I can also report that the Information Commissioner has been advised that we will
not release the KPMG Report as it was not commissioned by nor is it the property of
the Department of Public Lands and Buildings.

Further, Mr. Speaker, the actual sale has not been concluded due to a number of
legal hurdles that remain. Once there is a final resolution I will report further to the
House.

Thank you, Mr. Speaker.