



2013/14 SESSION
of the
BERMUDA
HOUSE OF ASSEMBLY

OFFICIAL HANSARD REPORT

July 2014

Sittings 26-28 of the 2013/14 Session
(pages 2577-2748)

Hon. K. H. Randolph Horton, JP, MP
Speaker

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BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT
4 JULY 2014
10:03 AM***Sitting Number 26 of the 2013/14 Session**[Hon. K. H. Randolph Horton, Speaker, in the Chair]***PRAYERS***[Prayers read by Hon. K. H. Randolph Horton, Speaker]***CONFIRMATION OF MINUTES
27 June 2014**

The Speaker: Honourable Members, the confirmation of the Minutes of the 27th of June will be deferred.

*[Minutes of 27 June 2014 deferred]***MESSAGES FROM THE GOVERNOR**

The Speaker: There are no messages from the Governor.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING**

The Speaker: I would like to announce that Mr. Raoul Ming, who is assisting Mr. Fox today, will fill in for Mr. Fox when he will be away next week.

MESSAGES FROM THE SENATE

The Speaker: There are no messages from the Senate.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: The Chair will first recognise the Honourable Premier, the Honourable Michael Dunkley; Premier?

Hon. Michael H. Dunkley: Good morning, Mr. Speaker, and good morning, colleagues.

The Speaker: One second, please, Premier. One second, please.

[Pause]

The Speaker: Premier? Thank you.

DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, I have the honour this morning to attach and submit for the information of this Honourable House of Assembly the [DNDC Grants] Programme Annual Performance Report for [fiscal] year 2013/14.

The Speaker: Thank you, Premier.

Are there any objections to that?

There are none.

Honourable Premier, you have another paper.

Please carry on.

PUBLIC ACCESS TO INFORMATION REGULATIONS 2014

Hon. Michael H. Dunkley: Yes, thank you, Mr. Speaker.

I also have the honour to attach and submit for the consideration of this Honourable House of Assembly the Public Access to Information Regulations 2014, proposed to be made by the Premier under the provisions of section 59 of the Public Access to Information Act 2010. Thank you, sir.

The Speaker: All right. Thank you, Honourable Premier.

Any objections to that?

There are none.

We now recognise the Honourable Minister of Finance, the Deputy Premier. Minister Bob Richards, you have the floor.

**GOVERNMENT FEES AMENDMENT (NO. 3)
REGULATIONS 2014**

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, with the Governor's recommendation and in accordance with section 36(3) of the Bermuda Constitution, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Government Fees Amendment (No. 3) Regulations 2014, proposed to be made by myself under provisions of section 2 of the Government Fees Act 1965.

The Speaker: Thank you. Thank you.
Are there any objections to that?
There are none.
Thank you, Minister.

PETITIONS

The Speaker: There are no petitions.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: We now move to Statements by Ministers and Junior Ministers.

First, I would like to recognise the Honourable Premier. Premier Dunkley, you have the floor.

PUBLIC ACCESS TO INFORMATION LEGISLATION

Hon. Michael H. Dunkley: Mr. Speaker, thank you.

Mr. Speaker, Honourable Members may recall that in my National Address on the 9th of June 2014, I announced that (and I quote, Mr. Speaker), "Regulations will be tabled in the House of Assembly this session to advance Public Access to Information. The plan is to have a PATI Commissioner in place by the Fall and PATI fully operational by April 2015, enabling people finally to shine new light on the work of government—asking questions, getting answers, bringing new levels of transparency and accountability to the public sector."

Consequently, Mr. Speaker, I am pleased that the Public Access to Information Regulations 2014 was tabled a few moments ago in this Honourable Chamber. Later this morning, I will be tabling the Public Access to Information Amendment Bill 2014.

Mr. Speaker, the draft regulations are made in exercise of the power conferred under section 59 of the Act and are intended to give effect to the principles of PATI by detailing and clarifying the practical implementation of the access regime. In particular, Mr. Speaker, the regulations make specific provision for administrative matters including timelines for delivery of information and the fees to be charged for the production of records.

In addition to the draft regulations, the Bill proposing amendments to the Public Access to Information Act 2010 is intended to bring further clarity to the existing provisions pertaining to notice periods, penalties and exemptions from disclosure. The draft Bill and regulations are significant in that they signal the fact that Bermuda is ready to honour the commitment to transparency and accountability made in 2010 with the passage of the Public Access to Information Act.

Mr. Speaker, both the Act and the regulations will come into operation on April 1st, 2015. From that date, members of the public will be able to make requests for information under PATI. For a relatively modest cost, they can obtain copies of that information. However, in accordance with the legislation, not everything is accessible as there are certain kinds of information outlined in the legislation which are exempted from release.

Mr. Speaker, during the PATI implementation stage that will take place before the legislation becomes operational, there will be many opportunities for public servants to receive training, and for both members of the public and public servants to seek clarification of procedural or other matters relating to PATI. I encourage people to take advantage of this invaluable opportunity when it arises.

Mr. Speaker, with the tabling of the Bill and the regulations, I am pleased that I have met the first of my commitments to the people of Bermuda and have fulfilled my Government's pledge to progress our goals of operating with transparency and accountability. Honourable Members and members of the public can be assured that I intend to meet the promise of PATI being fully operational by April 2015.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Premier.

The Chair will now recognise the Premier again. Honourable Premier?

DNDC GRANT PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to have been able to table earlier this morning the Annual Programme Performance Report for Fiscal Year 2013/14, which highlights community partners that receive grant funding through the Department for National Drug Control [DNDC].

Mr. Speaker, this Government considers it important to provide the people of Bermuda with a clear picture of how their tax dollars are put to use. The introduction of this report into the legislature is another step along the road to greater transparency within Government.

Mr. Speaker, the goal of the report is to provide information for the Department of National Drug Control and the Ministry of National Security to evaluate the agencies and their fiscal performance, and to allow for input into the overall implementation of the activities outlined in the approved work plans of each grant recipient agency.

The other goals of this performance evaluation, Mr. Speaker, are to assess achievements, outcomes, and likely impacts, both positive and negative; learn from the implementation so that lessons can be

drawn that can be the basis for enhancements or improvements to planning, delivery and management; and to assess the sustainability of the assistance provided to the grantees.

The evaluation will also be of interest to the grantees, as this will be the basis for granting additional funds in the future.

Mr. Speaker, for decades, the Department of National Drug Control has been providing substantial grant funding to support the provision of drug prevention and drug treatment services through established charitable organisations such as PRIDE, CADA, FOCUS, and the Salvation Army's Harbour Light and Community Life Skills programmes. The DNDC also has provided a grant to the Bermuda Addiction Certification Board (or BACB).

Mr. Speaker, this past financial year, the DNDC collaborated with PRIDE by providing funding for the implementation of the PRIDE clubs at the primary and middle school levels, with CADA for their alcohol awareness campaigns. Life Skills programme in our middle schools, and the TIPS programme. Also, the DNDC worked with FOCUS for the provision of supportive housing and life skills for adult males, and with Harbour Light to partially support its 10-bed residential drug treatment programme and Community Life Skills programme.

The Department of National Drug Control also supports the administration of the Bermuda Addiction Certification Board to provide addiction professional examinations (whether it be prevention or treatment), to provide training, certification, and of course, re-certification, Mr. Speaker.

Without the continued work of these agencies, drug prevention and drug treatment services would certainly be severely diminished, leaving minimal drug education in our schools, minimal focus on the challenges caused by alcohol misuse and abuse, and inadequate support services for those recovering persons, following treatment.

Mr. Speaker, in the fiscal year 2013/14, a total amount of \$667,000 was disbursed to the six grantees to support their services. As part of the DNDC's fiscal responsibility and management, all grantees are first required to provide proposed work plans before grants are issued, then, Mr. Speaker, when approved; the grants are disbursed to the individual organisations. In addition, all grantees are required to submit quarterly performance reports and financials, specifying how the grant funds are being utilised. The report being shared today provides a summary of the programmes' activities by each quarter throughout the last fiscal year 2013/14 and highlights any challenges that may have arisen.

Mr. Speaker, in light of the current economic challenges affecting the entire Government, grants to these programmes have been decreased significantly over the past five years, with no change in the last two years, Mr. Speaker. Despite the major reduction in

funding, all grantees demonstrated efficient use of resources during the fiscal year 2013/14 and produced outputs that were consistent, for the most part, with the expected results identified in the agreed work plans. Financial reports were submitted each quarter and reflected appropriate expenditures for their related programme activities.

Mr. Speaker, there were some operational challenges resulting from reduced funding for all agencies. Prevention and treatment agencies struggled to provide the needed services within the community and have indicated exhaustive efforts to secure non-governmental funding, without great success. In addition to the financial challenges, Mr. Speaker, there were programme challenges and organisational issues within most agencies.

The fiscal year 2013/14 saw CADA minimally able to implement the Life Skills programme due to reduced funding, and BACB provided a reduced number of addiction-specific trainings during the financial year. Of great concern, Mr. Speaker, and continuing since the previous year, was Harbour Light's inability to conduct life skills day classes and to hold evening classes. This is the second year that this component of the programming has not been able to be delivered due to the staffing challenges resulting from the reduced funding.

Mr. Speaker, the Department of National Drug Control is challenged with finding creative ways to assist in sustaining these needed services during the current economic crisis. Efforts are being made to encourage better collaboration between services and the sharing of resources, if and where possible. The Department of National Drug Control has consistently tried to place greater emphasis and priority on funding programme services and projects, as opposed to administrative salaries and/or supplies.

However, Mr. Speaker, programmes require persons to actually facilitate their implementation. This creates a dilemma, especially with funding being consistently reduced. The Department of National Drug Control already has identified the critical programme components for each agency and directs the available funding only to these components; however, Mr. Speaker, the majority of the grants support the staffing to actually do the work.

Mr. Speaker, drug prevention and treatment are areas where public/private support has been successful in the past in Bermuda. Charities received funding from both private and public sources to operate. Unfortunately, financial support has diminished from both sectors over the past five years.

Mr. Speaker, we encourage collaboration between the private and the public sectors to assist in sustaining these necessary services in any way that they can. Impacting the issues of drug misuse and abuse in Bermuda requires a total community approach. Thank you Mr. Speaker.

The Speaker: Thank you. Thank you, Honourable Premier.

The Chair will recognise again the Honourable Premier. You have one more?

PAROLE BOARD REPORT 2013

Hon. Michael H. Dunkley: Yes, Mr. Speaker.

Mr. Speaker, I am pleased to introduce into the Legislature the Report of the Parole Board for 2013, in compliance with section 8 of the Parole Board Act 2001.

Honourable Members will be aware that, under the Act, the Parole Board is an independent body empowered to make decisions governing the time and conditions of release of inmates by assessing the risk they pose to the community and, of course, to themselves.

The board also evaluates the likelihood that a period of supervision, upon release, will contribute to the successful reintegration of the offender into the community. The timing and the conditions of release are determined based on a review of all of the relevant data, coupled with a face-to-face interview with the applicant.

Mr. Speaker, the parole process starts at the beginning of an inmate's incarceration. It is the inmate's responsibility to demonstrate the ability and the willingness to live a pro-social life through recreational and vocational goal-setting programmes.

In addition, Mr. Speaker, a convicted person must have served one-third of their sentence and otherwise present a low risk to the community before being considered for parole.

For the year under review, Mr. Speaker, the Parole Board has highlighted the proposed amendment to section 12 of the Prison Act 2001, which will require that incarcerated persons must serve a minimum of 12 months before being eligible for parole.

Honourable Members will recall that this and other changes to the parole regime formed part of the Government's Throne Speech initiatives and continue to be the subject of review by the Attorney General's Chambers.

Mr. Speaker, the board continues to work well in its role as part of the criminal justice system. Honourable Members will note that the grant of parole is not taken lightly, and as the report indicates, the safety of the community weighs heavily with the Board (and) each deliberation is done with grave consideration.

I would also invite Honourable Members to take note that the board amended the wording of the general conditions of parole in 2013 to specifically address some of the social issues prevalent in our community and to which parolees might be particularly exposed. Items viii, ix and x at page 7 of the report, Mr. Speaker, highlight these issues.

Mr. Speaker, I wish to thank the chairman and members of the board for their continued service and commitment to the administration of justice under their remit. Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Premier.

The next Statement, the Chair will recognise the Honourable Minister Wayne Scott. Minister Scott, you have the floor.

Hon. R. Wayne Scott: Good morning, Mr. Speaker.

The Speaker: Good morning.

READ•WRITE•BERMUDA CAMPAIGN AND BERMUDA NATIONAL LIBRARY'S SUMMER READING PROGRAMME

Hon. R. Wayne Scott: Mr. Speaker, I am pleased to advise my honourable colleagues and the public at large about the launch of the Read•Write•Bermuda Campaign and the Bermuda National Library (BNL) Summer Reading Programme.

Mr. Speaker, Read•Write•Bermuda is a national campaign to promote reading and writing and to celebrate and support Bermuda's literary community.

Read•Write•Bermuda is a collaborative partnership between the Bermuda National Library, CedarBridge Academy, the Reading Clinic and the Buechner Society of Bermuda. These institutions will use new resources to expand their capacity to help young readers and writers. These highly respected partners will work individually and collaboratively across organisations to improve student reading skills and increase family literacy. Combining technology, tutoring, e-book resources, professional development for teachers and librarians, writing workshops, and special events and programmes, Read•Write•Bermuda will give enhanced pathways to achievement and lifelong learning, while nurturing current and future generations of Bermudian writers.

Mr. Speaker, the Read•Write•Bermuda campaign includes three major areas of focus: *Building Readers*, *Supporting Writers*, and *Expanding Libraries*. Mr. Speaker, one of the goals of Read•Write•Bermuda is to expand BNL's Summer Reading Programme. Entitled *Read Around the Rock*, this year's programme, which will run from June 30th to August 6th, is designed for youth and adults to learn more about our Island home in a light-hearted way.

Mr. Speaker, at the Adult Library, participants can choose from books that give insight to interesting facts and folklore about the nine parishes, from the St. George "stock market" selection and "fish" for your Sandy's Heritage choice from the "library depths."

The remaining seven parishes will represent specific subject areas of the library collection. The Adult Library programme is free and open to residents

over 14 years of age, and there will be weekly prizes and a final grand prize.

Mr. Speaker, at the Youth Library, the Summer Reading Programme will use the parishes to group various reading themes that the children are required to read. Once they complete each of the three levels, they can earn prizes, and when they complete the third level, students earn a raffle ticket toward the grand prizes—a 10-speed bike and iPad minis—at an end-of-summer party. In addition, the Youth Library has planned daily activities for young people. A calendar of events is available at the Youth Library on Church Street.

Mr. Speaker, in order for residents to join this [literary] ride around our Island home this summer, they need only to visit the Bermuda National Library website at www.bnl.bm or stop in at the Youth Library on Church Street or at the Adult Library on Queen Street.

Mr. Speaker, studies show that the best way to improve literacy in children is to increase their access to books. I am pleased to assist the Bermuda National Library in highlighting the importance of reading, especially over the summer when children are away from school and are more likely to have the time to read for pleasure. The library endeavours to ensure that anyone who wants to read has the opportunity to do so. Mr. Speaker, I would like to express my gratitude to Rev. Frederick Buechner and the Buechner Society of Bermuda for their generous donation, which is supporting the Summer Reading Programme and several new services at the Bermuda National Library. These new services include a significant expansion of the e-book collection, the introduction of a downloadable music collection, an e-magazine collection and, beginning in the fall, an online tutoring service for students of all ages.

Mr. Speaker, we are happy to partner with the other organisations involved in the Read•Write•Bermuda Campaign. It is our aim to continuously expand the offerings at the Bermuda National Library in support of increased literacy and for the continued enjoyment of our residents and visitors alike. Thank you, Mr. Speaker.

The Speaker: All right. Thank you. Thank you, Minister.

The Chair will now recognise the Minister for Economic Development and Education. Minister Dr. Grant Gibbons, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker, and good morning.

The Speaker: Good morning.

EDUCATION ACT 1996—UPDATE ON CONSULTATION PROCESS FOR PROPOSED AMENDMENTS

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, in late May, I spoke to Honourable Members of the House about the importance of parental involvement in our children's education. I also launched a consultation process on proposals to amend the Education Act 1996 to improve and facilitate parental and community involvement in our children's education.

The consultation closed on June 9th, and I would like to provide a brief update on the process, its results and next steps that will be taken over the summer and into the next school year.

First, I would like to reiterate that parental and community involvement is absolutely essential for the improvement of public education in Bermuda and, indeed, around the world. Parental involvement makes a significant difference in the success of the education of children, and we know that schools and the Department of Education cannot be successful without parental and community support to help make the difference for all children.

Mr. Speaker, the recently concluded consultation was a response to growing voices among many parents, who have been asking for more information, more understanding and more say in their children's education. It was also the fulfilment of a commitment to come back to parents after the conclusion of consultation that took place in the fall of 2013. It allowed parents and community members to hear and weigh in on development of a sound legislative foundation for growing meaningful parental involvement within our public school system.

The consultation process included a consultation document which set out proposals to introduce School Community Councils as a means to increase parental involvement and improve governance in our maintained schools. A meeting was held specifically targeted to parents and other PTA members to share the proposals and gain feedback. Additionally, meetings were held with other important stakeholders, including:

- the Bermuda Parent Teacher Student Association (commonly referred to as the BPTSA);
- the Bermuda Union of Teachers;
- the Bermuda Public Services Union (which represents both education civil servants and all public school principals); and
- the Shadow Minister for Education, Ms. Lovitta Foggo, Member of Parliament.

I think it is important for parents, community members, principals, teachers, and all stakeholders in public education to know that I have been listening and will continue to listen. The engagement through the consultation is one example of this. This process of listening and engagement is not static and will continue as part of the day-to-day operations and approach of the Department of Education.

The goals of the consultation process were met in that important feedback was received on the

proposals to amend the Education Act 1996. Parents and community members gave their thoughtful and often passionate views, and those views have been noted and considered.

Following the oral and written submissions received during the consultation process, it is evident that more discussion and outreach is needed in order to finally resolve the question of what parental and community involvement should look like for our schools.

Therefore, I am currently reviewing the policy proposals to better balance the concerns and interests expressed during the consultation period. Further outreach, engagement and information-sharing will continue throughout the summer and into the upcoming 2014/15 school year, and the results of this process will be used to develop proposals that better reflect those concerns and interests.

Mr. Speaker, in closing, I would like to thank the parents, community members, principals, teachers, and other stakeholders who took the time to attend the meetings and provide oral and written submissions on the proposed changes to the Education Act 1996. Their contributions are valued and will contribute to improved parental and community involvement.

Thank you Mr. Speaker.

The Speaker: All right. Thank you, Minister.

Minister, you will continue. You have another Statement, and you may continue.

NASA'S GLOBAL LEARNING AND OBSERVATIONS TO BENEFIT THE ENVIRONMENT (GLOBE) PROGRAMME AGREEMENT

Dr. the Hon. E. Grant Gibbons: I do. Thank you, Mr. Speaker.

Mr. Speaker, yesterday, I had the pleasure of meeting with the US Consul General, Mr. Robert Settje, to sign the NASA GLOBE Agreement. The agreement represents a joint effort between the National Aeronautics and Space Administration (otherwise known as NASA), the US Government, and the Ministry of Education and Economic Development.

Mr. Speaker, the purpose of the agreement is to introduce a programme to the Bermuda public school system that will:

- increase awareness of our students about the global environment;
- contribute to increased scientific understandings of the earth; and
- support improved student achievement in science and mathematics.

Mr. Speaker, the GLOBE programme began on Earth Day 1985. "GLOBE" stands for Global Learning and Observations to Benefit the Environment and, according to the programme, is a worldwide hands-on

primary and secondary school-based science education programme. GLOBE's vision promotes and supports students, teachers and scientists to collaborate on inquiry-based investigations of the environment and the earth system. This occurs with NASA and other US federal agencies that support science research and innovation.

Prior to Bermuda's signing of the agreement, the rate of participation was at 112 countries, and there are over 66,000 GLOBE-trained teachers representing more than 24,000 schools around the world. To date, over 10 million students have taken over 100 million measurements, which are now part of the GLOBE database.

Mr. Speaker, the GLOBE programme has benefits for both students and teachers. Teachers will participate in world-class professional development provided by NASA and will receive continuing support by the GLOBE Help Desk. They will also be in contact with scientists, teachers and students from the GLOBE Partner Network, which includes other participating countries, schools and universities. Other signatories to the GLOBE Agreement include Australia, the Bahamas, Cameroon, Canada, China, India, Germany and, of course, the United States.

Under the guidance of NASA and our teachers, an inquiry-based approach to practical and real science will be used. Our students will ask questions and make observations about the environment. They will design investigations and take environmental measurements in their own local environment. They will use GLOBE measurement protocols, take measurements, report their observations, use tools on the GLOBE website, analyse data and present and publish the results of their analyses. They will also get to work with other GLOBE scientists and students from around the world.

Mr. Speaker, following the signing of the GLOBE Agreement, the programme will be rolled out in the coming school year in selected primary and middle schools, with a view to expanding the programme to more and more schools over time. In all cases, at schools and the department, existing staff will be used to implement and support the GLOBE programme.

The GLOBE programme complements the inquiry-based approach of our Cambridge science curriculum. It will help provide a significant resource to teachers, and give students the opportunity to be part of the larger science community and to participate, explore and better understand the world of science in their own local environment.

Before closing, and on behalf of the Government of Bermuda, I would like to extend a special thanks to the US Government, the US Consul General, Mr. Settje, and Ms. Astrid Black of the US Consulate for this great opportunity for local public school students and teachers.

Thank you Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Minister for Health, Minister Jeanne Atherden. You have the floor.

SUMMER FOOD SAFETY

Hon. Jeanne J. Atherden: Mr. Speaker and honourable colleagues, what better day than today, July 4th, an iconic day of barbecuing and outdoor relaxing, to wish you and yours a happy summer and, simultaneously, impart some food safety advice from the Department of Health.

Mr. Speaker, the desired result of my Statement today is to answer the question: How can we all partake in the outdoor summer events that we cherish without the risk of food-borne illness? Mr. Speaker, food-borne illnesses have a propensity to increase during the hot summer months for two reasons: natural causes and people.

Let me mention the natural causes first. Bacteria are a natural part of the environment. They are everywhere—in the soil, air, water and in and on the bodies of people and animals. Bacteria multiply faster in warm conditions, especially at temperatures between 90 and 110 degrees Fahrenheit, (roughly human body temperature). Given the right circumstances, harmful bacteria can quickly multiply on food to large numbers. When this happens, someone gets sick from eating this food.

Mr. Speaker, the second reason is people. During the summer months there is a greater risk of food-borne illnesses because outside activities increase. More people are cooking outside at picnics, barbecues, and camping out. And the safety controls that a kitchen provides, such as thermostat-controlled cooking, refrigeration and washing facilities, are usually not available.

Mr. Speaker, my advice is that everyone follows the three C's this summer to protect themselves and their loved ones from food-borne illnesses. The three C's are: clean and separate; cook; and chill.

The first C, "clean and separate." Mr. Speaker, keep things clean by washing hands and surfaces often. Unwashed hands are a prime cause of food-borne illnesses. Always wash your hands with warm, soapy water before handling food and after using the bathroom, changing diapers or handling pets.

When eating away from home, find out if there is a source of safe water for drinking and washing hands. If not, bring water for washing and cleaning food preparation surfaces, or pack clean, wet, disposable washcloths, or moist towelettes and paper towels. Cross-contamination during preparation, grilling and serving food can also contribute to food-borne illnesses. Therefore, it is vital to keep particular food items separate at all times.

When packing the cooler for an outing, wrap raw meats securely to keep their juices from coming into contact with ready-to-eat food. Wash plates, utensils and cutting boards that held the raw meat or poultry items before using again for perishable or cooked food. Remember—the juices of the raw meet should never touch the cooked food.

The second C, "cook." Mr. Speaker, cook all meat and poultry at safe temperatures. Food is safely cooked when it is heated for a long enough time at a high temperature to kill harmful bacteria that cause food-borne illnesses. Take a food thermometer to your outings, and check the temperature of the meat or poultry by inserting it into the thickest portion. Remember—meat is safe to eat only when it is hot in the centre, there is no pink meat visible and juices are clear. Specific safe internal food temperatures for cooked foods are:

- poultry, 165 degrees Fahrenheit;
- hamburgers, 160 degrees Fahrenheit;
- fresh fish, meat and shellfish, 145 degrees Fahrenheit.

Never partially grill meat or poultry and then attempt to cook it later; otherwise, you risk stimulating bacterial growth by warming the food rather than thorough cooking, which eliminates bacteria.

The third C, "chill." Mr. Speaker, keeping cold food cold is important. Both raw and cooked meat and poultry should never be kept out at room or outdoor temperatures for more than one hour in the summer. Cold perishables like luncheon meats or potato salad should be kept in an insulated cooler packed with ice, ice packs or containers of frozen water. It is also important to keep coolers in the shade or shelter, out of the sun wherever possible. If you are unable to take a cooler, pack only foods that are safe without refrigeration, such as fruits, vegetables, hard cheeses, canned or dried meats, or peanut butter and crackers. Perishable leftovers can be safe when chilled on ice. If they are out of refrigeration for more than one hour, or there is not enough to keep the leftovers at 40 degrees Fahrenheit or below, discard them.

Mr. Speaker, I hope you remember and apply the three C's this summer, and I hope the people of Bermuda remember—*Clean and separate, cook, and chill*. And have a happy and safe summer, everyone.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Minister of Public Works. Minister Patricia Gordon-Pamplin, you have the floor.

EVACUATION OF GLOBAL HOUSE

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I rise today to inform this Honourable House concerning the emergency evacuation of Global House that took place yesterday morning.

Mr. Speaker, several government staff and clients had evacuated the government building following reports of significant vibrations and loud knocking noises. The Ministry of Public Works technical officers and engineers were immediately on the scene in order to carry out investigations on the third and fourth floors. It was determined that the vibrations and noise originated from an air conditioning unit, housed on the northern end of the roof.

Mr. Speaker, on closer inspection of the unit, it was determined that a fan blade, a part of the motor, had broken off and caused the unit to operate in an unbalanced manner. The unit, which was subsequently shut down by the air conditioning technicians, sits on a metal frame that is bolted directly to the concrete roof deck, and consequently, the vibrations and noise transferred from the unit through to the building's steel framing. Unfortunately, Mr. Speaker, this led to some occupants of the building experiencing more vibrations and noises than others in the offices, and resulted in understandable anxiety.

Mr. Speaker, after the inspection, the Ministry of Public Works technical officers, the Permanent Secretary and I met and addressed the staff on the sidewalk outside of the building to apprise them of what had occurred.

Mr. Speaker, at that briefing, concern was expressed regarding the shutting down of the air conditioning unit and its impact on the supply of fresh air delivery and exchange to the building. Accordingly, staff was advised that only the fourth floor would be impacted, as the unit in question supplies conditioned air only to that floor. The rest of the building runs on a separate plant for the main supply of conditioned air. Staff from the fourth floor were advised to leave their office doors ajar so that the air can circulate through the floor space to help keep conditioned air at a comfortable level while the buildings team undertakes the repairs to the air conditioning unit.

Mr. Speaker, notwithstanding the explanations, some staff were reluctant to return to the building without having first spoken with their union representative and receiving written notice that it was safe to enter the building. Within short order, Mr. Ed Ball, General Secretary of the BPSU [Bermuda Public Services Union], was onsite. Simultaneously, the notification, initiated by the technical officers after their assessment, was disseminated by DCI [Department of Communications and Information] and received by staff. These actions together helped to quell the concerns, and all staff returned to work.

Mr. Speaker, the Ministry of Public Works and its Department of Public Lands and Buildings wishes to extend its sincere apologies for the incident, the inconvenience and the anxiety that were caused by this mechanical fault. The Ministry would also like to

take this opportunity to convey its appreciation to Mr. Ball and to the DCI for their quick response, and, in advance, to the occupants of Global House for their understanding while work is undertaken to repair the air conditioning system as quickly as possible.

Thank you Mr. Speaker.

The Speaker: All right. Thank you. Thank you very much, Minister.

That concludes the Ministerial Statements.

REPORTS OF COMMITTEES

The Speaker: There are none.

QUESTION PERIOD

The Speaker: We now move to the Question Period.

First, we had the Honourable T. G. Moniz to provide oral responses to parliamentary questions from the Honourable T. E. Lister, which will be held over until next week. Yes?

Hon. Trevor G. Moniz: I am obliged, Mr. Speaker.

The Speaker: All right. Thank you.

We now move to the first Statement, by the Honourable Premier, the Statement on PATI. The Chair will recognise the Honourable Member from constituency 26, Warwick South Central, the Leader of the Opposition. MP Marc Bean, you have the floor.

Hon. Marc A. R. Bean: Good morning, Mr. Speaker.

The Speaker: Good morning.

QUESTION 1: PUBLIC ACCESS TO INFORMATION LEGISLATION

Hon. Marc A. R. Bean: Good morning to honourable colleagues.

Mr. Speaker, this question is for the Honourable Premier. The Honourable Premier said in his opening paragraph that, and I quote, "the plan is to have a PATI Commissioner in place by the Fall and PATI fully operational by April 2015, enabling people finally to shine new light on the work of government—asking questions, getting answers, bringing new levels of transparency and accountability to the [public] sector," end of quote.

My question to the Honourable Premier is, Does this new level of transparency and accountability to the public sector include the Tourism Authority and the Regulatory Authority?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, the Statement stands for itself.

Hon. Marc A. R. Bean: Pardon, Mr. Speaker?

The Speaker: If you could repeat your answer, please.

Hon. Michael H. Dunkley: Mr. Speaker, the Statement stands for itself.

The Speaker: Yes, Honourable Member?

Hon. Marc A. R. Bean: Mr. Speaker, the Statement stands for itself? Why have a Statement and a question and answer period? This is about transparency and accountability, I thought.

The Speaker: Do you want to go on and ask a supplementary?

SUPPLEMENTARY

Hon. Marc A. R. Bean: A supplementary, yes.

Does the Honourable Premier agree that the operations of the Tourism Authority fly in the face of transparency and accountability?

The Speaker: Premier?

Hon. Michael H. Dunkley: No, Mr. Speaker, I disagree.

The Speaker: Honourable Leader of the Opposition?

Hon. Marc A. R. Bean: Second question, Mr. Speaker.

The Speaker: Yes.

QUESTION 2: PUBLIC ACCESS TO INFORMATION LEGISLATION

Hon. Marc A. R. Bean: Mr. Speaker, in the last paragraph, the Honourable Premier said that, “with the tabling of the Bill and the regulations, I am pleased that I have met the first of my commitments to the people of Bermuda and have fulfilled my Government’s pledge to progress our goals of operating with transparency and accountability.”

Mr. Speaker, one of the first pronouncements of the Honourable Premier in assuming the office of Premiership was that the issue, the fiasco, of Jetgate was Deadgate. Mr. Speaker, would the Premier answer this question for this Honourable Chamber: If Jetgate is Deadgate, is that an example of the new levels of transparency and accountability that he has pledged to the people of this country?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, I am delighted to have the opportunity to answer that question. And I will answer it this way: The original Act was passed in this House in 2010—four years ago. This Government is going to make it happen. Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you. Thank you, Honourable Member.

Hon. Marc A. R. Bean: Supplementary.

The Speaker: Yes, carry on.

SUPPLEMENTARY

Hon. Marc A. R. Bean: Mr. Speaker, my next supplemental is this: In the first pronouncement by the Premier, he said that the fiasco of Jetgate was now Deadgate. Is this an example of the Premier’s commitment to transparency and accountability?

The Speaker: Premier, Premier.

Hon. Michael H. Dunkley: Mr. Speaker, that question has nothing to do with the Statement. And I will answer it this way: This Government is open and transparent—in spite of what the Opposition Leader will want to say. And if he would actually listen to some of the pronouncements that come from here, he would get all the answer he needs. He is just not liking the answers he is hearing because it is the truth.

The Speaker: All right. Thank you, thank you. Thank you, Premier. Thank you, Premier.
You have a supplementary?

Mr. E. David Burt: Supplementary.

The Speaker: The Chair recognises now the Member from constituency 18, Pembroke West Central. MP David Burt, you have the floor.

SUPPLEMENTARIES

Mr. E. David Burt: Thank you very much, Mr. Speaker.

Mr. Speaker, in the response that the Honourable Premier just gave, the Honourable Premier said that his Government is open and transparent. Can the Honourable Premier then let the people of this country and this Parliament know why he refuses to release information from the Tourism Authority and the Regulatory Authority?

The Speaker: Honourable Premier?

Hon. Michael H. Dunkley: Mr. Speaker, we have a one-trick pony over there. [I] already answered that question, previously before. Information will always be available, and I am not going to beat a subject up that we have discussed over and over again. The answers from my honourable colleague, the Minister of Tourism, answered that question adequately.

The Speaker: Thank you.
Yes.

Mr. E. David Burt: Supplementary, Mr. Speaker.

The Speaker: Yes, your second supplementary.

Mr. E. David Burt: Mr. Speaker, we are discussing the Minister's Statement, the Premier's Statement, regarding asking questions, getting answers and bringing new levels of transparency, accountability to the public sector. So I will ask on my supplementary, again to the Honourable Premier, does the Honourable Premier believe that this should apply to the Tourism Authority and to the Regulatory Authority, bodies which are funded by public funds?

The Speaker: Premier?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
The Honourable Member did not need to really increase his decibel level. I could hear him across the floor.

The Speaker: That is all right, Honourable Premier.

Hon. Michael H. Dunkley: Mr. Speaker, this Government will continue to operate at the highest standards of transparency and accountability.

The Speaker: All right. Thank you. Thank you, Premier.
Yes, your question? Yes.

QUESTION 1: PUBLIC ACCESS TO INFORMATION LEGISLATION

Mr. E. David Burt: Thank you.
Mr. Speaker, my first question is . . . and I will note that the Honourable Premier, of course, did not answer the question; and it seems as though [they] want to continue to duck the question, but the questions will still come.

The first question I have, Mr. Speaker, is, on page 2 of the Premier's Statement, it says, "However, in accordance with the legislation, not everything is accessible, as there are certain kinds of information outlined in the legislation which are exempted from release." Would the Honourable Premier please edify for the public what information that may be and also

say if his Government would like to exempt more information from release?

The Speaker: Honourable Premier?

Hon. Michael H. Dunkley: Mr. Speaker, they can keep asking all the questions they want. We will not duck, and I will be here.

Mr. Speaker, the answer to that question is simple, and the Honourable Member who prides himself on doing research can refer to the original Act. The exemptions have not changed from the original Act, which was tabled four years ago. The amendments which are tabled today cover some slight modifications to it, but nothing to the exemptions.

The former Member was a part of that Government; he should know the exemptions. Thank you, Mr. Speaker.

The Speaker: All right. Thank you.
Honourable Member from [constituency 18] again?

Mr. E. David Burt: Mr. Speaker, the public will hear and the listening audience will hear that the Honourable Premier takes offence to answering questions in this Parliament.

[Inaudible interjections]

SUPPLEMENTARIES

Mr. E. David Burt: The question we asked was, Could the Honourable Premier please edify for the public the type of information, and if he could state whether or not *his* Government is seeking additional items to be exempted from public information? So I ask the supplementary again—

The Speaker: Honourable Premier—

Mr. E. David Burt: —and I am hoping that the Honourable Premier will [show] respect to the public and answer the questions by the people's representatives.

The Speaker: Thank you.
Honourable Premier?

Hon. Michael H. Dunkley: Mr. Speaker, it is interesting how they try to twist and bring the public into this. It is the—

[Inaudible interjections]

The Speaker: Answer the question, Honourable Premier. Carry on.

Hon. Michael H. Dunkley: I am listening to some chirping over the other side, Mr. Speaker.

The Speaker: Do not . . . Just answer the question that Honourable Member Burt asked.

Hon. Michael H. Dunkley: Mr. Speaker, if you will allow me, I will pull out the legislation from 2010 and read all the exemptions. Because, Mr. Speaker, the legislation was passed in this Chamber in 2010. Those exemptions have been there for the people of Bermuda to see for four years. So, Mr. Speaker, if you will allow me, I will pull out the exemptions and read them.

The Speaker: If you would like to, I will have no problem with it.

Hon. Michael H. Dunkley: I will be happy to.

The Speaker: It seems like people need to be reminded. So if that is the case.

[Inaudible interjections]

Hon. Michael H. Dunkley: So, Mr. Speaker, I can tell you right now, there are no new exemptions.

The Speaker: Okay. So the answer is that there are no . . . That is what you asked. Right? There are no—

Hon. Michael H. Dunkley: But, Mr. Speaker, I answered that in my last reply.

The Speaker: Okay. All right. Thanks.

Hon. Michael H. Dunkley: There are no new exemptions.

The Speaker: All right. Thanks. That is good.

Hon. Michael H. Dunkley: These are the same exemptions as in 2010, four years ago.

The Speaker: All right. Thank you, Premier.
MP Burt?

Mr. E. David Burt: Mr. Speaker, I would hate . . . As a supplementary.

The Speaker: Yes.

Mr. E. David Burt: I would hate to preface a debate. But seeing that no Bill has been tabled, I would just ask the Honourable Minister if he has read the legislation that he intends to table, because there are additional items that are being exempted in the Bill that is being presented to this House!

An Hon. Member: Whoa!

[Inaudible interjections]

Mr. E. David Burt: So if the Honourable Premier will please clarify, what additional things has Government planned to exclude from the public being able to find out . . .

[Inaudible interjections]

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, the Bill has not been tabled yet. It will be tabled very shortly. It is all there to see. I have not introduced it into the House yet. I have not got to that point.

The Speaker: All right.

Go ahead. Yes, Honourable Member from [constituency] 18.

Mr. E. David Burt: Thank you, Mr. Speaker.

Mr. Speaker, given that I cannot ask a supplementary, but I do have three questions, I will move on to my second question.

The Speaker: Yes. Go ahead.

QUESTION 2: PUBLIC ACCESS TO INFORMATION LEGISLATION

Mr. E. David Burt: Just now, the Honourable Premier said that there are no additional exemptions in the Bill that is going to be tabled. However, the Bill does contain additional exemptions for information that cannot be found out by the public.

So I will ask again, has the Premier read the legislation that he is tabling today?

The Speaker: Premier?

Hon. Michael H. Dunkley: Yes, Mr. Speaker.

The Speaker: All right. Thank you.

Mr. E. David Burt: Mr. Speaker, supplementary.

The Speaker: Yes.

SUPPLEMENTARIES

Mr. E. David Burt: If the Honourable Premier has read the legislation that he is tabling today, can the Honourable Premier please clarify to the House, or take the time to correct his answer and state, that his Government *is* exempting additional items of information from being found out by the public?

[Inaudible interjections]

The Speaker: It is unfortunate that . . . And I hear Members talk about anticipation. But if the Statement is there, then it is important for that question to be answered. I think it is a reasonable question, based on the Statement.

[Inaudible interjection]

The Speaker: Yes. If you would, please, for me, again.

Mr. E. David Burt: Mr. Speaker, I will repeat the supplementary.

Given that the Premier said he has read the Bill (which was the answer that he gave), I am going to [ask], would the Premier like to take this opportunity to clarify to the members of the public and to this Parliament that his Government is actually introducing new restrictions to information that can be found out under the Public Access to Information?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, I did say in my original answer that there were slight modifications. And we will have plenty of time to debate that.

The Speaker: All right.

[Inaudible interjection]

Hon. Marc A. R. Bean: You did not say that.

Hon. Michael H. Dunkley: I did say that!

The Speaker: All right. Thank you. Honourable Member, please, please, you have answered the question, so that is fine.

Hon. Michael H. Dunkley: Yes, Mr. Speaker, but if the Honourable Opposition Leader wants to say I did not say that, I would ask him to be very careful.

The Speaker: Honourable Member, thank you. Thank you.

Mr. E. David Burt: Mr. Speaker, as my second supplementary on this question, I think that I will take my seat after this.

The Speaker: Yes.

Mr. E. David Burt: I just want it to be clear that the Honourable Premier said that there are no new restrictions being implemented—that is what he said, no new restrictions—and I had given him a chance to clarify that there will be new restrictions.

Now he said there are minor modifications. Would the Honourable Premier like to take this oppor-

tunity to edify the public what additional restrictions his Government is putting in place on the access to information?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, there will be ample opportunity when the debate is held to go into detail into that.

Hon. Marc A. R. Bean: You should not have brought the Statement then.

The Speaker: Answer. Answer. Just answer.

Hon. Michael H. Dunkley: Mr. Speaker, the Honourable Member is saying we should not have brought the Statement. We bring the Statement to let Honourable Members in this Chamber and outside the Chamber understand what is going on. It has been four years since the Act was debated. I think it is important to let the people know what is going on, not just to table legislation and let it go from that, Mr. Speaker. We have plenty of time to do that.

The Speaker: All right. Thank you. I appreciate that. Yes. And you have question number three.

Mr. E. David Burt: I will go to my third question.

The Speaker: Yes.

QUESTION 3: PUBLIC ACCESS TO INFORMATION LEGISLATION

Mr. E. David Burt: Mr. Speaker, the Honourable Premier just said that it is important to let people know what is going on. So I will try to ask the question for the seventh time and hopefully we will get an answer, and the people will get an answer.

Would the Honourable Premier (seeing as he said it is important to let people know what is going on) let the people of Bermuda know what additional restrictions on access to information his Government plans on implementing?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, with all due respect, we will debate it then and we can have a thorough back-and-forth on it. We cannot debate it at this point, Mr. Speaker.

The Speaker: All right. Okay. That is fine.

Honourable Members, understand that you have a right to ask the question. And the question is quite acceptable. And we also have to accept the answer that is given. But the question was acceptable. Right.

Thank you. Thank you very much.

We now move to the second Ministerial Statement by the Premier. The Chair will recognise the Honourable Member from constituency 17, Pembroke Central. MP Walton Brown, you have the floor.

QUESTION 1: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mr. Walton Brown: Thank you, Mr. Speaker, and good morning, colleagues.

Mr. Speaker, I was wondering if the Honourable Premier can answer the following question: Given that there were considerable resources directed through the national drug office, can the Premier tell this House what measures of success are in place to determine the best utilisation of the resources that have been allocated? How do you measure success of the work of the various agencies supported by the Department of National Drug Control?

The Speaker: Premier?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

That is a good question. It is a very broad question, too, because if you look at the organisations that receive grant funding, whether it is CADA, whether it is Salvation, Harbour Light and Community Life Skills, or whether it is FOCUS, they would all have many other different and distinct measures of success for their programmes.

But all of that is covered, a lot of that is covered in the report that you will get tabled and the discussions that the Department of National Drug Control will have with those various entities as they go through the process of reviewing the grants, reviewing the work that they do and planning their way forward.

The Speaker: All right. Thank you.
MP Brown again.

Mr. Walton Brown: Yes, second question?

The Speaker: Yes.

QUESTION 2: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mr. Walton Brown: Given that the challenge of interdiction is one that Bermuda shares with all other countries in the world, knowing that less than 10 per cent of all drugs coming into a country are actually seized, and recognising also that most of the success in reducing the harm caused by drugs is through harm reduction activities and prevention activities, would the Honourable Premier, as Minister, consider redirecting some of the funds from the interdiction side to the

prevention and demand reduction side, as it is likely to get a better return on the investment?

The Speaker: Premier?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

That is a good question. I am glad the Honourable Member raised it, because it is a topical subject that we hear discussed every time we get into this situation. And while, on the face of it, it appears appropriate to do so, I would not want to say yes until [we] talk to the appropriate agencies, Mr. Speaker, who have the responsibilities for interdiction, whether it is Bermuda Police Service, whether it is Customs, you know, all those organisations. Because, without consulting with them, we could put them in a difficult position to do their mandate.

One of the things that I think is important to remember here, Mr. Speaker, is that, unlike other countries that have a so-called war on drugs, Bermuda's interdiction is not in a similar vein to that. So if we are going to look to try and improve how we treat addiction, if we are going to improve how we treat treatment, we also must consider education. And in part of my Statement today I emphasised bringing the community together to work at it as one to galvanise our resources. Because, Mr. Speaker, I think honourable colleagues probably will agree with me. Even though the challenging economic times now means that it is a challenge on the resources available, there are still a lot of resources available going in different areas without a concerted effort. And I think we can tighten that up and be more efficient.

The Speaker: Thank you.
MP Brown, you have—

Mr. Walton Brown: Yes, just a supplemental.

The Speaker: Supplementary, yes?

SUPPLEMENTARY

Mr. Walton Brown: Mr. Speaker, earlier this week, there was a report in the media of an individual who actually once sat in these Chambers, who is contemplating the introduction of drones and how that could possibly assist the Government in some of its interdiction efforts.

Can the Honourable Premier tell this House whether or not this is something the Government is considering?

The Speaker: Honourable Premier?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

The gentleman in question has approached the Government. And I believe we have a meeting scheduled for later this month or next month to listen

to options that he has available. But there has been no commitment to date.

The Speaker: Thank you.

All right. We now move to the next—

[Inaudible interjection]

The Speaker: On this one, did you not? Yes, yes, sorry. Honourable Member, you have to excuse me.

Mrs. Kim N. Wilson: That is fine, Mr. Speaker.

The Speaker: The Chair recognises (just so people know) the Honourable Member from constituency 34, the Learned Member Kim Wilson. You have the floor.

Mrs. Kim N. Wilson: Thank you, Mr. Speaker. Good morning.

The Speaker: Good morning.

QUESTION 1: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mrs. Kim N. Wilson: Mr. Speaker, the Honourable Premier indicated at page 2 of his Statement, and I quote, "This Government considers it important to provide the people of Bermuda with a clear picture of how their tax dollars are put to use."

My first question to the Honourable Premier is, Would he agree that the tax dollars to which he refers come from the Consolidated Fund?

The Speaker: Premier?

Hon. Michael H. Dunkley: Yes, Mr. Speaker, for this \$667,000, yes.

The Speaker: Yes, MP?

Mrs. Kim N. Wilson: My supplemental.

The Speaker: Yes?

SUPPLEMENTARIES

Mrs. Kim N. Wilson: I would ask the Premier to confirm also to this House and the members of the public that the Consolidated Fund is also used to pay \$23 million for the Tourism Authority.

The Speaker: Premier?

Hon. Michael H. Dunkley: Yes, Mr. Speaker, it must be "Tourism Authority Day" again.

The Speaker: Yes. Carry on. You have another supplementary, or a question?

Mrs. Kim N. Wilson: Sorry, Mr. Speaker. Yes.

The supplemental to that is that the Consolidated Fund also provides the monies necessary for running the Regulatory Authority; if the Honourable Premier could confirm that as well, please.

The Speaker: Premier?

Hon. Michael H. Dunkley: Yes, Mr. Speaker.

The Speaker: Yes.

QUESTION 2: DNDC GRANTS PROGRAMME ANNUAL PERFORMANCE REPORT FOR FISCAL YEAR 2013/14

Mrs. Kim N. Wilson: Mr. Speaker, so the Honourable Premier has indicated that the tax dollars—

The Speaker: So you are going now to a third *[sic]* question?

Mrs. Kim N. Wilson: I am on my third *[sic]* question, yes.

—the tax dollars that are applied towards from the Consolidated Fund are utilised—

The Speaker: Sorry. Actually, Honourable Member, it is your second question.

Mrs. Kim N. Wilson: Yes.

The Speaker: It is your second question.

Mrs. Kim N. Wilson: Thank you, Mr. Speaker.

The Honourable Premier has indicated that the tax dollars that come from the Consolidated Fund have been used for the Regulatory Authority, as well as \$23 million of those tax dollars from the Consolidated Fund have been used towards the Tourism Authority.

My final question, Mr. Speaker, is, Given the fact that the Government has indicated that their mandate is to provide the people of Bermuda with a clear picture of how their tax dollars are put to use, and the fact that the Honourable Premier has indicated that those said tax dollars come from the Consolidated Fund, as well as the \$23 million of tax dollars coming from the Consolidated Fund for the Tourism Authority, could the Honourable Premier explain to this Honourable House and the Government and the people of Bermuda, why does this proposition of allowing the people of Bermuda to know how their tax dollars are put to use not apply equally to the Tourism Authority and the Regulatory Authority?

The Speaker: Premier?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, just as a correction, the Regulatory Authority received funding from Government as a start-up, but now they are self-funding because they collect their own fees. So I just make the clarification.

Mr. Speaker, we have answered these questions over and over and over again. When the Tourism Authority legislation was tabled in this House and passed, Honourable Members on that side were mum on these types of things. So now they think they have cottoned on to something, Mr. Speaker. I think I have answered the question previously, and there is no need to give any further elucidation.

Mrs. Kim N. Wilson: Supplemental?

The Speaker: Yes.

SUPPLEMENTARY

Mrs. Kim N. Wilson: If the Honourable Premier could indicate to this Honourable House why the Government is not adopting the position that the tax dollars that are being put to use should be provided, the information should be provided to the people of Bermuda . . . Why does that same mantra and principle not apply to the Tourism Authority?

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, I have answered those questions before. And I want to assure Honourable Members and the public that, in time, the Tourism Authority will file their report, so more information will be available.

The Speaker: Yes. Okay. Thank you.

The Chair recognises the Honourable Member from constituency 33, MP T. E. Lister.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

If you will allow, I would like to ask a supplemental to the questions raised by the Member from constituency 17, the Honourable Walton Brown. Yes?

The Speaker: I am sorry, Honourable Member. Please, if you would, again.

Hon. Terry E. Lister: Okay. Thank you. I said I would like to ask a supplemental to the questions raised by the Honourable Walton Brown from constituency 17.

The Speaker: Yes. Yes.

SUPPLEMENTARY

Hon. Terry E. Lister: In the Statement, the Premier referred to the fact that there has been an 18 per cent cut in funding to these specific programmes. And he then says that they were able to operate efficiently, without the additional 18 per cent. However, there is reference made at the bottom of page 9 to a significant downturn in the programmes offered by the Harbour Light. Harbour Light has been cut previously by the previous Government, and this further cutting, I believe, [causes] significant reductions in the overall Harbour Light programme.

I would like to ask the Minister what his Ministry has done in regard to ensuring that Harbour Light not only can carry out these minimum programmes that they are now carrying out, but how they plan to work with Harbour Light to ensure that they can return and restore the programmes that existed previously in the country.

The Speaker: Premier?

Hon. Michael H. Dunkley: Mr. Speaker, that is a good question.

The Harbour Light budget has not been cut under this administration. The Harbour Light budget was cut from \$350,000 to \$100,000 by the former administration. So perhaps they should look within for that answer.

But to try to answer the question, Mr. Speaker, the Department of National Drug Control is trying to work with the Salvation Army, because I think all colleagues will agree about the significant work that they and other helping agencies do on the Island. We are trying to work with them to see how we can provide these programmes going forward, Mr. Speaker. But I want to emphasise, the cut in budget did not come in the last two years, Mr. Speaker.

The Speaker: All right. Thank you. Thank you.

Yes, Honourable . . . The Chair recognises the Honourable . . . yes, you have a supplementary?

Hon. Zane J. S. De Silva: Supplementary question, Mr. Speaker, to the Ministerial Statement that the Honourable Premier gave with regard to DNDC grants. I would like to ask—

The Speaker: With regard to?
[Inaudible interjections]

The Speaker: Yes, yes. Carry on.

SUPPLEMENTARY

Hon. Zane J. S. De Silva: National Drug Control, yes. Thank you, Mr. Speaker.

I would like to ask the Honourable Premier, before the Honourable Member Terry Lister asked his question, the Honourable Premier said that reports will

be given in due course with regard to the Tourism Authority and how they spend money. My question to the Premier is, Will we have a detailed—a detailed—explanation of how those funds are spent? Or will they be like the report we received last week from the Minister of Tourism with regard to funds given to sporting organisations, where there is no breakdown whatsoever? Will there be a breakdown?

[Inaudible interjections and general uproar]

The Speaker: Honourable Members. Honourable Members.

[Gavel]

The Speaker: Let me just read something to you. Let me read something to you. All right?

It says, “While a Member is speaking”—and this is [Standing Order] 11(2)(iii). “While a Member is speaking, all other Members shall be silent or shall confer only in undertones, and shall not make unseemly interruptions.”

Honourable Member, if you would please carry on.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

So, because we had so much noise, I would like to maybe—

The Speaker: Honourable Member, ask the question.

Hon. Zane J. S. De Silva: —ask the question again.

Will the Honourable Minister, Premier, having said that a report will be given in due course with regard to the Tourism Authority and how the money is spent . . . Will we receive a detailed explanation of how the funds are spent unlike the documentation we received last week from the Tourism Authority with regard to funds given to sporting organisations and the like, which did not have any specific breakdown and just gave an amount—

The Speaker: And the question?

Hon. Zane J. S. De Silva: So my question to the Honourable Premier is, Will we receive a detailed explanation of how the funds are spent, including what the CEO makes?

The Speaker: Thank you. Thank you, Honourable Member.

Hon. Michael H. Dunkley: Mr. Speaker, I am always pleased to have an opportunity to speak to any issue. I thought we were talking about the DNDC report here today. But, Mr. Speaker, the Honourable Member—

[Inaudible interjections]

Hon. Michael H. Dunkley: Not paying attention to [Standing Order] 11(2)(iii), since I have the floor.

[Inaudible interjections]

Hon. Michael H. Dunkley: The Honourable Member continues to want to talk about the Tourism Authority. Well, there are two things I will say, Mr. Speaker (because he had the latitude, so I will take some latitude). When he was the Minister of Health, he did not answer questions about the hospital. This Government will operate at a high level of transparency!

The Speaker: All right. Honourable Member, yes, just answer the question.

Hon. Michael H. Dunkley: And when the report comes, they will get the information, Mr. Speaker.

[Inaudible interjections]

The Speaker: Just a minute.

Honourable Members, do I have to read [Standing Order] 11(2)(iii) again? Please, do not let me have to read it again. I think we are all bright enough in here to understand that simple English.

[Crosstalk]

The Speaker: Yes. Honourable Members, I think we have come to the end of those questions.

We have no other Members who have indicated that they wanted to ask questions, so that brings our Question Period to an end.

[Crosstalk]

The Speaker: Yes, all right. You are very correct.

Honourable Members, the Honourable Member from . . . All these Members coming up and around me this morning. The Honourable Member from constituency 15 had a question for the Minister for Health.

QUESTION 1: SUMMER FOOD SAFETY

Mr. Walter H. Roban: Yes, thank you, Mr. Speaker.

In reference to the Statement that the Minister made on food safety for the summer, I do believe that this Statement is commendable, Mr. Speaker. But I would like to know if the Minister would agree that, other than in this House, it may be even more valuable for the Minister to translate this information into public service announcements throughout the summer so that throughout the summer period, particularly in these months into August, that people have this information?

Hon. Jeanne J. Atherden: Mr. Speaker, I totally agree, because we do not want to have people being ill, and if we can get that information out to them, I will ensure that that happens. Thank you for raising the suggestion.

The Speaker: Thank you.

We do have a question on the Education Minister's Statement, from the Honourable Member from constituency 33. MP Lister on the Education Act, is it?

Hon. Terry E. Lister: Thank you, Mr. Speaker. The consultation process that the Minister was speaking to this morning.

The Speaker: Yes, yes.

QUESTION 1: EDUCATION ACT 1996—UPDATE ON CONSULTATION PROCESS FOR PROPOSED AMENDMENTS

Hon. Terry E. Lister: This consultation process is good, very good. However, last school year, there were difficulties in the relationship with certain schools and PTA's due to a transfer process that was not in keeping with the Kawaley court ruling, you will recall, Mr. Speaker.

Given these difficulties, what has the Ministry done better to ensure teachers were not directed to change schools by a process that was contrary, once again, to the Kawaley ruling?

The Speaker: Yes.

Minister of Education, Dr. Grant Gibbons, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I think the Kawaley ruling, in simple terms, was looking for consultation. And there was an effort, I think, in those cases where there was still some difficulty to have that consultation. But obviously, there were different opinions as to whether it was adequate and whether that consultation had actually taken place.

What we are looking for here is to essentially sort out not only that issue of transfers, and unfortunately, that period, I believe, ended in March, because under the union requirements, teachers had to be alerted by the end of March. So this will not happen until next year, and that is why we are taking more time now to sort out some of these issues.

But the other fundamental part of this, which is where the Statement is directed, is, How do we improve and increase parental involvement? That was part of the consultation. And, Mr. Speaker, needless to say, there are a lot of different views on how that should take place. Oftentimes, those views are essentially informed by the perspective of the organisation

that is expressing those views (if I can put it that way). Thank you, Mr. Speaker.

The Speaker: Thank you.

Yes, MP Lister, you have a supplementary?

SUPPLEMENTARY

Hon. Terry E. Lister: Yes, Mr. Speaker.

That response was an excellent response to my question dealing with tomorrow. That was a good response, and I appreciate it, from the Minister, and I support him in going down that road.

However, my question was, This year, what has happened this school year with regard to transfers for September? Because what this Ministerial Statement is saying is, *After the Kawaley ruling, we are still working our way through this.* And that is true. That is what is happening. So, what did we do this year? Were we contrary to the Kawaley ruling? Did we follow the Kawaley ruling? Where are we?

The Speaker: Okay. The Minister for Education.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, the Kawaley ruling, obviously, is in place. And the department is observing the Kawaley ruling. There are no transfers this year as a consequence of that.

The Speaker: All right. Thank you. Thank you very much.

You have a supplementary? Yes. Carry on. The Honourable Member from constituency 3 has the floor.

SUPPLEMENTARIES

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker.

To the Honourable Minister, I think I just heard you say that there were no transfers which have taken place. I do have a question regarding transfers—

The Speaker: No transfers taking place in regard to the—

Ms. Lovitta F. Foggo: In this present school year, yes.

It was my understanding that at the pre-school level that there have been some transfers. Would you be able to respond to that?

The Speaker: Minister?

Ms. Lovitta F. Foggo: Current . . . that are currently taking place for September.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I will have to take that question under advisement. I do not know the answer. Thank you.

The Speaker: Okay. Thank you.

Another supplementary?

Ms. Lovitta F. Foggo: Yes, another supplemental.

Minister, there were supposed to be some transfers of principals. And I think that may be the transfers that you are saying have not taken place. Would you be able to confirm that? And in this same question, could you confirm whether or not transfers have taken place with teachers at the primary level?

Thank you.

The Speaker: Honourable Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I think it is a question of *when*. What I am talking about is for the coming year. Because of the March deadline under the union arrangements, I believe there are no transfers planned as a consequence of that. I am not aware of any transfers at the primary level. There were issues of transfers at the . . . I believe, for example, there was a transfer . . . It was not a transfer; I believe it was a change in position at Dame Marjorie Bean. But there are two other middle schools that I think were involved in possible principal transfers, and those did not take place, as far as I know.

The Speaker: All right. Thank you.

All right. Yes, you have a supplementary? Yes.

SUPPLEMENTARY

Mr. Walton Brown: Mr. Speaker, late last year, the Commissioner of Education undertook an assessment of all the principals. And the Commissioner at that point had made recommendations that certain principals be moved, some get additional training, some locally and some overseas. Is the Minister saying that that assessment and those recommendations ended with the departure of the then-Commissioner of Education? And if so, why?

The Speaker: Honourable Minister?

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, the Member is correct. There were recommendations made in regard to professional development for certain principals. One of those principals in the end, due to ill health, was not able to go on that professional development, which would have been overseas.

There were options given to that particular principal as to whether [he] wanted to continue in the principalship or take time off to be able to undergo extensive overseas professional development. In the end, ill health prevented that.

There was another principal at another middle school who basically underwent the professional development that was recommended.

The Speaker: Thank you, Minister.

We do have a question from the Honourable Member from constituency 33, for the Honourable Minister of Public Works, Minister Gordon-Pamplin, with reference to Global House. So the Chair recognises the Honourable Member from constituency 33, MP T. E. Lister.

QUESTION 1: EVACUATION OF GLOBAL HOUSE

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Mr. Speaker, I want to commend the Minister on coming this morning with a Statement. The incident took place yesterday. There were questions. This clarifies it.

However, my question is, Who actually is responsible for ordering people out of the building in the case of concern? I was listening to the news, and a person who described herself as a supervisor said, *Oh, I ordered everybody out*. That is quite amazing that a supervisor ordered everybody out!

Minister, tell us who makes the decision to evacuate a building in times of danger.

The Speaker: Minister?

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I am not certain who is responsible in that particular instance. What I can say is that there is an emergency evacuation procedure, that there are individual marshals on each floor. In terms of the ultimate, the overarching decision, I believe that the circumstance yesterday was such that people were anxious. It was a frightening experience. And I think people just wanted to get out. And I am not even sure that anybody waited for an edict to come down. The building was shaking. There were noises, and people just wanted to get out. I am not certain. But it would, to my mind, be prudent for the staff to exit the building. If we are going to make an error, I would rather err on the side of caution.

Thank you, Mr. Speaker.

The Speaker: Right. All right, thank you, Honourable Members. That brings our Question Period to an end.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: We now move to Congratulatory and/or Obituary Speeches. The Chair will recognise the Honourable Member from Warwick. MP Lawrence Scott, the Honourable Member from constituency 24, Warwick South East. MP Lawrence Scott, you have the floor.

Mr. W. Lawrence Scott: Thank you, Mr. Speaker, and good morning to everybody.

I just want to take this time to congratulate three different individuals. The first would be Jackie Zuill, the former Manager of Delta Airlines, and she retired after 40 years of service. I think I will associate the whole House with that. As everybody knows, I have worked at the airport for about 16–17 years myself, and she has been a great help. So she will be missed. She is a character and basically part of the furniture down at the airport.

But I would like to also go on and congratulate the HOTT 107.5 for 10 years of service, which is 102 as well.

[Desk thumping]

Mr. W. Lawrence Scott: And Glenn Blakeney . . . I will associate all my colleagues on this side of the House, as they have indicated.

I would also like to, lastly, not take up all of my time, but congratulate the Honourable former Member and former Premier Alex Scott, MP and now CBE. I will declare my interest, as that is my father and the person whose seat I took.

[Inaudible interjections]

[Gavel]

The Speaker: Just a minute. I mean, some of your own Members down here! They are not respecting you, not respecting you at all.

Mr. W. Lawrence Scott: Thank you very much, Mr. Speaker.

I would just like to associate the Minister Wayne Scott to this one as well, and my cousin, MP Susan Jackson. I will associate the whole House to that one as well. I just went there to the Investiture at Buckingham Palace, and it was an event, to put it lightly, and something to behold. I feel as though my father is not one who really does anything for recognition, and it was nice that his service to his country and to the people and to Bermuda was recognised. So, thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Southampton East Central, *[sic]* constituency 30 *[sic]*. MP Zane De Silva, you have the floor.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker. Mr. Speaker, that is Southampton East.

The Speaker: Yes. That is Southampton East, is it not?

Hon. Zane J. S. De Silva: Yes, it is. Yes. Southampton East Central—that was my former, currently held by the Honourable Member from [constituency] 30.

The Speaker: Yes.

Hon. Zane J. S. De Silva: Yes, Mr. Speaker, I do rise on a sad note this morning. I would ask this House to send condolences to the family of the late Mr. Basil Gibbons, who passed away on Monday, Mr. Speaker. Mr. Basil Gibbons was known throughout the Island for his painting expertise. He is known throughout Riviera estate, my former constituency, as “the Bucket Man,” and we know why. The Honourable Member Shawn Crockwell would like to be associated, as well as Mr. Scott from Warwick and the St. George’s MP, Mr. Bascome.

Unfortunate, Mr. Speaker that he did pass this week. He would have celebrated 51 years of marriage this coming Wednesday, Mr. Speaker. So I certainly send out condolences to his wife, Loretta, and the family. He will be laid to rest this week, Wednesday, Mr. Speaker.

Mr. Speaker, I would also, while I am on my feet, like to be associated with the congratulations to HOTT and Magic [102.7], Mr. Speaker. Many will know that when they started, I do not think they were given much of a chance. Everyone said that HOTT would not be around for a long period of time at all. In fact, they went from strength to strength, and then formed Magic, and Magic has now become a very household name in Bermuda. So, certainly, congratulations to Honourable Member Blakeney and his great team that he has, Mr. Speaker, awesome team.

I would also like to be associated (I am sure you will, Mr. Speaker) with the congratulations that the Honourable Member Lawrence Scott gave to Jackie Zuill, who is a constituent of yours, a neighbour of mine. Of course, Jackie is a long-time employee of Delta, and we certainly wish her the best.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Paget [East], the Minister for Education and Economic Development. Minister Dr. Gibbons, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, yesterday I had the pleasure of providing some opening remarks at a conference entitled *Celebrating Our Children's Brilliance: Cultivating Resilience and the Importance of Culture in Child Development Early Childhood Education*. I would like to ask that congratulations be sent to the organisers of that conference, which went on yesterday and also going on today, up at Bermuda College. And those are Drs. Melissa and Radell Tankard, in addition to the Capstone Institute of the United States.

There were a number of very interesting academics, educators, visiting from overseas, all very involved in early childhood education; a very distinguished professor from Howard University, and others; a director of the Kellogg Foundation, all dealing with early childhood issues; and interestingly enough, parental involvement as well. But I would ask that congratulations be sent along to the organisers and those who participated, and also Bermuda College, who hosted the event.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 33, MP T. E. Lister. You have the floor.

Hon. Terry E. Lister: Mr. Speaker, I would like for condolences to be sent to the family of one of Bermuda's outstanding sons, who has just been funeralised yesterday, Dr. Gary Burgess. Dr. Burgess took us in the direction where we had not been before. I would like to associate yourself, as well, Mr. Speaker, and in fact, the whole House. This is something that really speaks to all of us. Dr. Burgess was a man who gave everything he had, a man who had a warm and caring [way], and who wanted to see people be the best that they could be.

I had the pleasure of working with him between 1998 and 2001. And one thing he taught me, which I will never forget, was that in Bermuda we need to develop *audience appreciation*. He said it is no good for artists to be on the stage performing and people not knowing, you know, whether they were performing well or not. So he was really keen on schoolchildren learning how to appreciate a musical performance.

That experience took place on a Monday, after we both attended a concert at City Hall on a Saturday night. He asked me what I felt about the artist. And I, not knowing much about opera, thought it was quite good. And he said, *Oh, it was awful!* And he tore the artist up, to me. And he made me understand good from bad. Of course, I did not.

So, the experience that he brought to Bermuda was of great value. What he did abroad in Buffalo, New York, and in fact, all around the world, was something that was just tremendous. The man was cherished and respected in Costa Rica, China, many

other places where people sought him out and wanted to have his expertise used. I simply ask that the Government consider recognising him in an appropriate way as we go forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Pembroke, the Honourable Member from constituency 20, Pembroke South West. MP Susan Jackson, you have the floor.

Mrs. Susan E. Jackson: Thank you, Mr. Speaker.

I would like to send congratulatory remarks to the Jackson School of Performing Arts. I declare my interest as being a lifelong member and fan of the performing arts at the Jackson School. They are now in the middle of their annual dance recital.

One of my observations, attending what was a colourful and entertaining performance last night, is to just remark on how our young people in Bermuda are able to develop not only technical skill in dance, but also a level of discipline. It just absolutely amazes me that our young people are able to manage not only their school work, but are also involved in extracurricular activities. Sometimes, these young women in particular, and also there were quite a few young men dancing, are giving up much of their afternoons and weekends to practice. And to see how they are able to remember some quite complicated choreography, are able to dance with precision as groups and fantastic teamwork going on on the stage, it is admirable to see how our young people can manage and perform so well.

I am sure that this is not only in dance, but in much of the way that they are leading their lives. So I am most impressed with that.

My other observation, too, which was very heart-warming, was to see the little tots coming along, some of them as young as four, and knowing over the years, having watched this, that those little four- and five-year-olds will continue to go to dance classes at the Jackson School of Performing Arts and will evolve into very skilled dancers in a short period of time. And it is just wonderful to see the babies and how they progress up through the stages of development, and then to see the seniors performing so well.

I would also like to send congratulatory remarks to the Department of Corrections. This is the Department of Corrections Week, and they certainly deserve to be recognised for the hard work that they do. They certainly have spent a good bit of their energy and expertise to make sure that our incarcerated individuals are in safe custody, that their lives are ordered in such a way while they are in custody so that they can then leave the constraints of that institution and, hopefully, lead good lives once they are back in the community.

The prison officers have certainly done an admirable job. They do have their challenges, having to secure the perimeter breaches at our different institutions, and maintaining community life. And I certainly commend and respect the work that they are doing.

Thank you.

The Speaker: Thank you, Honourable Member.

The Chair is going to take the Honourable Leader of the Opposition, the Honourable Member from constituency 26, MP Marc Bean.

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: And just before you start, Honourable Leader of the Opposition, I just want to recognise in the House a former Member of Parliament, former MP Neville Darrell.

[Desk thumping]

[Congratulatory and/or Obituary Speeches, continuing]

The Speaker: Honourable Leader of the Opposition?

Hon. Marc A. R. Bean: Good morning, Mr. Speaker.

The Speaker: Good morning.

Hon. Marc A. R. Bean: Mr. Speaker, I ask this House to send a letter of condolences to the family of a young man who tragically lost his life this week, Mr. Jonathan Burch-Decosta. I think everyone would like to be associated with the condolences, Mr. Speaker. The young man whom I did not know personally; I had seen him in passing. In fact, I saw him a lot in the western end of the country. But I came to find out that he was actually a resident of my constituency in Jones Village. I know the Burch family in that area. So I would like to extend my condolences to the Burch and Decosta family for a tragedy that is unbearable, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member from Warwick West. MP Jefferson Sousa, you have the floor, constituency 28.

Mr. Jeff Sousa: Good morning, Mr. Speaker, and good morning, colleagues, and of course, good morning to the listening audience. And a happy July 4th to our American visitors, friends and family.

Mr. Speaker, I rise today to ask the Honourable House to send congratulations to a son of the soil, a man that has done many great things across

the pond. Hopefully, everyone in the House will join me. On June 25th, Dennis Watson was presented a proclamation by the Mayor of New York City, Bill de Blasio, for his tireless efforts in assisting young black men to stay away from crime in the five boroughs of New York for the last four decades. During this time, he has spent numerous hours in high schools, colleges, universities, in prisons, talking to young men one-on-one on the street.

Just last week, I personally visited and stayed in Brooklyn and also used the subway, went across to Manhattan quite often. And you can truly see a change in New York that has taken place, much different than when I was a young man. Of course, it has been individuals like Dennis Watson who have contributed to this. Of course, this has not happened by accident. Just imagine if more individuals stepped forward like Dennis Watson.

Once again, I take my hat off to this fellow Bermudian and particularly on this day, July 4th. Thank you very much. And I would like to associate Cole Simons, and I would like to associate the House. Thank you.

The Speaker: Thank you, Honourable Member. Thank you, Honourable Member.

The Chair will recognise the Honourable Deputy Leader.

[Inaudible interjection]

The Speaker: Honourable Member, you are going to withdraw those remarks right now! Honourable Member, you are going to withdraw those remarks!

[Inaudible interjections]

The Speaker: The Chair recognises the Honourable Deputy Leader of the Opposition Party, from constituency 5. MP D. V. Burgess, you have the floor.

Hon. Derrick V. Burgess, Sr.: Thank you, Mr. Speaker.

Mr. Speaker, I would like for this House to send condolences to the family of Ms. Ethel Godwin, long-time employee of the Bermuda Industrial Union. Also, she is the mother of Pat Pogson-Nesbitt, and she has other children. I am not familiar with them. But I would like to associate the Honourable Minister, Pat Gordon-Pamplin—

An Hon. Member: The whole House.

Hon. Derrick V. Burgess, Sr.: —and the whole House, Mr. Speaker. Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair now recognises the Honourable Minister of Public Works. Minister Gordon-Pamplin, you have the floor.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, earlier this morning I had the privilege and pleasure of presenting to five graduates at the Quarry, at the Department of Works and Engineering, their Penn Foster Career School Diplomas in Small Engine Repair. These gentlemen, Justin Balboda, Ricardo Dias, Andrea Smith, Adrian Burrows and Kewuan Gilbert, when we listened to the overview of the programme that they embarked upon, given by Stephen Outerbridge, the Manager there at the Quarry, one could only be heartened and warmed by the glowing tributes that were paid to these five gentlemen. Two of them had found out about the programme through Alicia Zuill at CedarBridge Academy and made the necessary arrangements because they knew that they had experience, but no paper to show that they had done something official. And they set about ensuring that the course was made available to them through Penn Foster Career School.

They were able to complete the necessary studies, and to hear the comments that they were eager, they were punctual, they attended every class that was intended for them on their way to their diploma. It was really quite heartening, Mr. Speaker.

These five gentlemen have also committed that they will go on to take a further course in order to earn their certification. So it shows that they are keen about their job and they want to be on the top of their game. I would like to ask that this Honourable House send a letter of congratulations to each of them for a job well done. Thank you, Mr. Speaker. And also, to their lecturer, Michael Stowe, from the National Training Board, who also gave glowing tributes and remarks concerning their accomplishments.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise, in spite of the earlier comments, the Honourable Member from constituency 3, MP Lovitta Foggo. You have the floor.

Ms. Lovitta F. Foggo: Thank you, Mr. Speaker.

Mr. Speaker, I do believe I have to make association with congratulatory remarks for the graduations of both the CedarBridge and the Berkeley Institute. I understand that the substantive Minister did do it last week. So I would like to be associated, particularly with CedarBridge Academy and highlight Ms. Taahira Butterfield, who was the valedictorian. Her percentile from the day she entered CedarBridge until graduation remained in the 90 percentile bracket. She has received scholarships, and she was recognised as a winner of the Denton Hurdle Award. And Miss

Taahira will be going overseas to continue her education, but she definitely deserves to be highlighted for her scholastic achievements.

Mr. Speaker, I would also like to make congratulatory remarks to Clearwater Middle School, Dellwood Middle School and St. David's Primary for the high passing rates to the next level for all of the students graduating from those levels.

Mr. Speaker, one last congratulatory remark, and that goes to Mrs. Capri Smith, who does an extremely outstanding job with the patients who are at the Extended Care Unit at the hospital. A hat show was held approximately two weeks ago, two weeks from Sunday. And to see what life that brings to many of the people who are housed there at that facility can only be termed as "heart-warming." I think that we would be remiss not to highlight the stellar service provided by Ms. Capri Smith, who does not have to do that. She does it because of her love for the people who are there and because she wants to make a difference in making their lives, at this point and at this stage in their lives, as much as can be equated to normalcy as possible. So I would like for this House to send a statement of congratulations to Ms. Capri, because I think we always have to highlight members of the community that go over and beyond the call of duty.

So, thank you, Mr. Speaker, for allowing me to give those remarks.

The Speaker: Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 2, in St. George's [West], MP Nandi Outerbridge, you have the floor.

Ms. Nandi Outerbridge: Good morning, Mr. Speaker.

The Speaker: Good morning.

Ms. Nandi Outerbridge: Thank you.

I rise this morning to ask that this Honourable House extend best wishes to the Miss Bermuda contestants, who will be competing for the title this Sunday at the Fairmont Southampton. It seems as if it is going to be a tough competition this year, and I know all of the ladies have worked hard. I will be there rooting them on, especially Miss St. George's, Siairah Minors.

[Inaudible interjections and laughter]

Ms. Nandi Outerbridge: Yes, I hope they do great. And one of them will come home with the title; hopefully, it is Miss St. George's.

I would also like to extend my best wishes to Ciara Burrow and Ryan Robinson Perinchief as they head to the Czech Republic to debate, from July 10th to the 15th. So, good luck to them.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Pembroke East Central, constituency 16. MP Michael Weeks, you have the floor.

Mr. Michael A. Weeks: Thank you, Mr. Speaker, and good morning to you.

The Speaker: Good morning.

Mr. Michael A. Weeks: And good morning to my colleagues.

Mr. Speaker, I rise this morning to ask the House to send a letter of congratulations to one of our former colleagues, the Honourable D. Neletha Butterfield. I was not in the House last week, so I could not ask for a letter of congratulations to be sent, [so I now ask that it be sent] if it has not already been done. If [it has already been done], then I would like to be associated with it.

On June 19th, CARE Learning Centre had their 30th annual—

The Speaker: Yes. I think it was done. But you can associate with it.

Mr. Michael A. Weeks: Okay. Yes. Well, if it has been done already, then I duly would like to be associated with it because of the work that the Honourable Mrs. Butterfield does on a yearly basis.

Mr. Speaker, also, I would like to have a letter of congratulations sent to Ms. Yolanda Ming. She is the reading specialist up at CedarBridge Academy. Mr. Speaker, I have been a part of this reading programme that Ms. Ming has put together for the last three years. So I would like to congratulate Ms. Ming for her fantastic job that she has done in coordinating the community reading volunteer outreach programme at CedarBridge Academy. She has allowed the community, Mr. Speaker, to become involved in education. This programme enhances the opportunity for young people to grow, Mr. Speaker, and improve their craft. Hence, reading is the key to success. In other words, a poem that I have read says it all. "All great achievements require time." This also is by Maya Angelou.

Also, I would like to be associated, Mr. Speaker, with the remarks already given on the congratulations for HOTT 107.5 and Magic for their 10th anniversary. They have really become an integral part of the fabric of our society. So I want to be a part of those congratulatory remarks to my honourable colleague.

Before I take my seat, Mr. Speaker, I also would like to be associated with the condolence remarks for Mrs. Ethel Idonia Godwin, *nee* Pogson. She was a long-time constituent of mine up there in Happy

Valley. And her daughter, Patricia Pogson, and I go way back. We are very good friends. I would like to associate MP Richards, Sylvan Richards, and MP Commissiong and MP Lovitta Foggo. Ms. Pogson's daughter, Patricia, and I, like I was saying, go way back, and her husband, Mr. Graham Nesbitt, and I work very well together in our constituency.

So for those few remarks, thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister of Health. Minister Jeanne Atherden, you have the floor.

Hon. Jeanne J. Atherden: Thank you, Mr. Speaker.

I would like to be associated with the remarks to the family of Ethel Godwin, who was a constituent of mine.

I would also, Mr. Speaker, like to have condolences sent to the family of the late Frank [Francis] Farmer. Mr. Farmer, as many of you might have seen . . . I think a lot of Members would like to be associated with this, because you would have seen him in the 11th of November parades, marching down very proudly with all of his other members. And my father, who was a former war vet, I used to watch them, and I used to think, *Thank goodness they were there for us and they made sure that we were safe.*

But also, very importantly, Mr. Farmer was also a member of the Sailors Home. And when I used to visit the Mariners Club, I would also see him there chatting with people and enjoying the camaraderie. So if those condolences could be sent to his family. . . And Susan Jackson, because I am certain he is one of your constituents. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Member from constituency 17, Pembroke Central. MP Walton Brown, you have the floor.

Mr. Walton Brown: Thank you, Mr. Speaker.

Mr. Speaker, I would just like to congratulate those Bermudians who participated in the gay Pride Parade in Toronto last week. I do not know who to send a letter to. So I am going to ask you to send a letter.

[Inaudible interjections and laughter]

Mr. Walton Brown: But I think it is important to recognise that Bermuda was represented on a matter that involves some fundamental human rights. And Bermuda has not yet reached a place where we have guaranteed equal treatment for all, irrespective of sexual orientation. But the steps that are taken by those in the gay and lesbian community should be

commended, and it is courageous. One day, we will all get to the same place where we recognise that equality of rights on a human rights basis is for all of us and not just a select few. Thank you, Mr. Speaker.

The Speaker: Thank you. Thank you, Honourable Member.

Are there any other Members who would care to speak?

Premier? The Chair will recognise the Honourable Premier. You have the floor.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, I would like to be included in the congratulations sent by my honourable colleague, the Honourable Member, Mrs. Jackson (from constituency 20, I believe), with regard to the comments the Honourable Member made in connection with Corrections Week.

As the Minister with responsibility I had the opportunity to go to some of the events. I think it is appropriate to recognise the commitment of the Commissioner of Corrections and the entire team in not only holding Corrections Week, but for what they have done throughout the whole week. Certainly, I was delighted to see the level of participation by officers and how they reach out in the community and spread the message through various things such as the church service, through the Seniors Tea they had and other events going on. It is an important team-building effort to recognise the work that Corrections do. So I applaud the Commissioner, Colonel Lamb, and his colleagues for doing that.

I would like to be associated with the congratulations by Honourable Member Lawrence Scott, from constituency 24, to Delta Bermuda, Ms. Jackie Zuill, for her career, not only as the managing agent for Delta on the Island, but certainly as an ambassador to Bermuda. Ms. Zuill has done a tremendous job through countless hours and long years there on the ground. She will certainly be missed, not only by travellers, but certainly, I am sure, Delta will have a difficult [time] to fill her shoes. So I wish her well in everything she does.

On a more difficult vein, I would like to be associated with the condolences that were sent by the Honourable Opposition Leader to [the family of] Jonathan Burch-Decosta. Mr. Speaker, I had the pleasure, a year ago in June, of presenting the young man with his GED. I can remember very clearly that day, because the hyphenated name stuck in my mind. And so when I heard about the accident, I recalled that day presenting the diploma to the young man. And I still had a picture on my Blackberry for it. So I sent condolences to his family, of a young man passed too soon.

I would also like to be associated with the condolences sent to [the families of] Gary Burgess and Mr. Frank Farmer. Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Premier.

The Chair will now recognise the Honourable and Learned Member from constituency 36, Sandys North. MP Michael Scott, you have the floor.

Hon. Michael J. Scott: Mr. Speaker, thank you.

Mr. Speaker, I rise merely to be associated with the fond and warm congratulations to a communications company par excellence, of Inter-Island Communications, its CEO and President who sits in this House and all of the family of stations. I recall as M-Tech Minister, when my colleague, the Honourable Member from Devonshire, US colleague was with him, helped making the application for Magic. And I was pleased to progress that application many years ago, and now a milestone of 10 years, where we see an impact in the community that is very clear with this other radio station. So warm congratulations, sir, on a job well done in our community.

Yesterday, along with many members of the Bermuda community, I attended at the Cathedral for the home-going for Dr. Gary Burgess. His brother, Keevil Burgess, I had shaken his hand down by the bank two days ago. And I did not realise that Keevil was Gary's brother. So I think Keevil was expecting me to extend condolences; I simply said hello. But he paid a warm and fitting tribute as a brother to Dr. Burgess yesterday. The service, Mr. Speaker, was a service of delightful music, as it should be. Ms. Medri Cross-Musson sang. A US gentleman by the name of Scott (I forget his last name, a baritone or a bass, he sang. And a young man by the name of Lionel Thomas, a very young Bermudian, played a beautiful aria on the violin, from Gluck. And it was flawless.

So Lionel Thomas played a wonderful musical tribute, as it should have been, to this great son, Gary Ellsworth Burgess. I commend all of the urgings to the Government that some suitable recognition of this son of the soil, this internationalist, this great opera singer be considered. So I extend condolences to Aleta, his sister, Keevil and all of the siblings of Dr. Burgess. Thank you, sir.

The Speaker: All right. Thank you, Honourable Member.

Would any other Honourable Member care to speak?

I would just like to certainly, particularly add my condolences to the family of Dr. Gary Burgess. I had the privilege of working with him when I was the Minister of Community and Cultural Affairs. And he, to me, was truly an outstanding practitioner and a man who never failed to share his knowledge with those who were around him. He was just truly outstanding, and I loved every moment that I had with him as a Minister. So, condolences go to the family of Dr. Burgess. Thank you.

[Crosstalk]

The Speaker: That concludes our Congratulatory and/or Obituary Speeches.

MATTERS OF PRIVILEGE

The Speaker: There are no matters of privilege.

PERSONAL EXPLANATIONS

The Speaker: There are no personal explanations. No, there are no personal explanations.

Mr. Rolfe Commissiong: Mr. Speaker?

The Speaker: Yes, sir.

Mr. Rolfe Commissiong: We talked about this last week.

The Speaker: Honourable Member, we have not talked about this. You sent me an e-mail, Honourable Member. And we have not talked since.

Mr. Rolfe Commissiong: And we had a subsequent conversation in your Chambers.

The Speaker: Honourable Member, please. There are no personal explanations.

Mr. Rolfe Commissiong: Mr. Speaker! With all due respect, Mr. Speaker—

The Speaker: Honourable Member, would you please take your seat! Honourable Member, would you please take your seat?

Mr. Rolfe Commissiong: Mr. Speaker—

The Speaker: Honourable Member, I understand what you are saying. If you would like to see me afterward, then I will certainly speak with you afterward.

NOTICE OF MOTIONS FOR THE ADJOURNMENT OF THE HOUSE ON MATTERS OF URGENT PUBLIC IMPORTANCE

The Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Speaker: The Chair will recognise first the Honourable Jeanne Atherden.

Hon. Jeanne J. Atherden: Mr. Speaker, I am introducing—

The Speaker: Just one second, Honourable Minister.

[Pause]

The Speaker: All right. Carry on, please. Government Bills. We should go first to the Honourable Premier.

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

I am introducing the following Bill so that it may be placed on the Order Paper at the next day of meeting: the Public Access to Information Amendment Act 2014.

The Speaker: Thank you.
Are there any objections to that?

An Hon. Member: No.

The Speaker: There are none.

We now move to the Minister for Health. Minister for Health, you have the floor.

NURSING AMENDMENT ACT 2014

Hon. Jeanne J. Atherden: Mr. Speaker, I am introducing the following Bill, which according to section 36(3) of the Bermuda Constitution, requires the [Governor's] recommendation, so that it may be placed on the Order Paper for the next day of meeting: the Nursing Amendment Act of 2014.

The Speaker: Are there any objections?
There are none.

The Land Valuation and Tax Amendment Act 2014 should be in the name of the Minister of Public Works and not the Honourable E. T. Richards. So, Minister of Public Works, you have the floor.

LAND VALUATION AND TAX AMENDMENT ACT 2014

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I am introducing the following Bill, which according to section 36(3) of the Bermuda Constitution, requires the Governor's recommendation, so that it may be placed on the Order Paper for the next day of meeting: the Land Valuation and Tax Amendment Act 2014.

The Speaker: Thank you.
Any objections to that?

There are none.

The Chair now recognises the Honourable Junior Minister. Sylvan Richards, you have the floor.

DEVELOPMENT AND PLANNING AMENDMENT ACT 2014

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, I am introducing the following Bill so that it may be placed on the Order Paper at the next day of meeting: the Development and Planning Amendment Act 2014.

The Speaker: Yes. Are there any objections to that?
There are none. Thank you very much.
Those are all the Government Bills.

OPPOSITION BILLS

The Speaker: The Chair will recognise the Honourable Member from constituency 18, Pembroke West Central. MP David Burt, you have the floor.

Mr. E. David Burt: Good morning, Mr. Speaker.

The Speaker: Good morning.

Mr. E. David Burt: Mr. Speaker, pursuant to Standing Order 28(1), I move for leave of the House to introduce and read a Bill for the first time by its title.

The Speaker: Thank you.
Are there any objections to that?
Honourable Member, carry on.

STATUTORY INTEREST RATE REDUCTION ACT 2014

Mr. E. David Burt: Mr. Speaker, I hereby introduce and read for the first time by its title a Bill entitled the Statutory Interest Rate Reduction Act 2014, and ask that the said Bill be set down on the Order Paper for the next day of meeting.

The Speaker: Thank you, Honourable Member.
Are there any objections to that?
There are none.
Thank you, Honourable Member.
There are no other Bills.

NOTICES OF MOTIONS

The Speaker: No notices of motions.

ORDERS OF THE DAY

The Speaker: We move to Orders of the Day. I understand that Orders [Nos.] 1 through 12 are carried over. Is that correct?

An Hon. Member: Correct.

The Speaker: So, therefore, we move now to Order No. 13 in the name of the Honourable Member from constituency 17.

[Pause]

The Speaker: Honourable Members, some matters have just been brought to my attention. So what I would like to do is adjourn the House for five minutes to speak to the Whips of both Houses. So we can adjourn for five minutes.

[Gavel]

[Pause]

The Speaker: Would you like to . . . Honourable Premier, do you mind?

An Hon. Member: It is July 4th.

[Crosstalk]

The Speaker: Do you mind? We can, actually. I appreciate that. As it is 10 after, I certainly accept that. So then I will ask the Deputy Premier, then, if you can.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker. It is habit forming, because we did this last week.

The Speaker: I am telling you! No, please do not say that.

[Laughter]

Hon. E. T. (Bob) Richards: I would like to move that we adjourn for lunch and return at two o'clock.

The Speaker: All right.
Thank you, Honourable Member.
The House will now adjourn to 2:00 pm.

[Gavel]

Proceedings suspended at 12:10 pm

Proceedings resumed at 2:01 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

The Speaker: All right. The Chair will recognise the Honourable Member, C. Walton Brown, constituency 17.

Yes, sir.

MOTION

COMMISSION OF INQUIRY INTO LOSS AND DIS- POSSESSION OF PROPERTY AND RECOMMEN- DATIONS FOR VICTIMS OF WRONGFUL ACTION

Mr. Walton Brown: Yes. Good afternoon, Mr. Speaker. Good afternoon colleagues.

Mr. Speaker, I move the following motion, notice of which was given on the 16 May 2014. The motion is as follows:

THAT this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims;

AND BE IT RESOLVED that this Honourable House calls on His Excellency the Governor to establish a Commission of Inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice.

The Speaker: Thank you.

Are there any objections?
Yes, Honourable Member.

Hon. Trevor G. Moniz: Mr. Speaker, I do not think we have had the opportunity to—

The Speaker: Honourable Member.

Hon. Trevor G. Moniz: Sorry, Mr. Speaker. I do not know whether that . . . is that the original motion, it is unchanged?

The Speaker: Yes.

Hon. Trevor G. Moniz: And it seems to be a mixture of a "take note" and a "resolve" motion, so it seems to be two motions in one—one motion saying "just take note," where the Member would only get to speak once; the other motion is a resolution motion.

The Speaker: Right.

Hon. Trevor G. Moniz: It is a bit confusing—the two motions rolled up in one of different types.

The Speaker: Yes. I think that . . . Thank you, Honourable Member. Thank you for that.

And so what the motion is asking for is for us to take note and sort of . . . [there are] two things involved in the motion, so it is not just a take note motion. In fact, at the end of it—

Hon. Trevor G. Moniz: If I just might say for Members on the Government side, Mr. Speaker—

The Speaker: Yes.

Hon. Trevor G. Moniz: —with regard to the "take note: part of it, we do not have any objection.

The Speaker: Yes.

Hon. Trevor G. Moniz: With respect to the "resolve" part of it, we do have a problem in the sense that it is our view that it would involve expenditure from the public treasury [and], as you know, the Government funds the Governor in his activities. So if he is resolved to do something, it would involve the expenditure of money on his part which would be money that we would provide to him.

The Speaker: Right. Thank you, Honourable Member.

And that . . . right. That position was, in fact, put forward to me, and in that regard, certainly, a commission of inquiry does not necessarily mean that funds will come from the Government. A commission of inquiry can be funded indeed by the United Kingdom and not necessarily the funds coming from the Government

I agree that the Opposition should not be able to in any motion ask for funds to come out of the Government. And I am satisfied that the motion does not ask for money to come out of the Government, and if any such inquiry would be held, then it would be the responsibility of the Governor and, according to this end that . . . not with money coming from the actual Government.

Hon. Trevor G. Moniz: Yes, well, Mr. Speaker, I just wanted that clear on the record from the Honourable Member because I would hate for the resolution to go to the Governor, then he writes to the Premier saying—

The Speaker: Absolutely.

Hon. Trevor G. Moniz: —you have resolved to have this Commission, please send me a blank check.

The Speaker: Right.

And I would like for that to be clarified in the deliberations.

Hon. Trevor G. Moniz: I am obliged.

The Speaker: Absolutely.

Thank you, Honourable Attorney General.
The Chair will now recognise the Member from Pembroke [Central].

Mr. Walton Brown: Thank you, Mr. Speaker.

Mr. Speaker, first of all, let me just say as a preamble, that as legislators we have the ability to multi-task. So the fact that we have a motion before us that is more complex than the normal motion should not deter us from our ability to properly debate a motion. Having a take note component as well as a resolution component should not in and of itself invalidate a motion.

Secondly, Mr. Speaker, this motion calls for the Governor, who is the United Kingdom Government's representative in Bermuda, to undertake a particular action. Nowhere in this motion is there any specificity about who should pay for anything. The United Kingdom Government seems happy to be able to pay for a series of activities all across the Overseas Territories. And if they can be convinced that this one is meritorious of attention, based on a long history of injustice, it would be absolutely incumbent upon the UK to act responsibly and underwrite such an important commission as this country needs.

So I am hoping that with those preliminary remarks, Mr. Speaker, I can begin my substantive contribution to the debate, and that we will have a fulsome debate which will end with all sides of this House lending support to a very important undertaking.

Mr. Speaker, we have an opportunity today to commence a process that could bring closure and a sense of justice to scores, if not hundreds, of Bermudian families. We have an opportunity, Mr. Speaker, to help correct some of the wrongs of the bad old days when justice was a fleeting illusion for many, and where the rich, the powerful and the connected acted with impunity. The theft of land, the dispossession of property, took place in this country on a wide scale and over a long period of time.

The villains in these actions, Mr. Speaker, were oftentimes lawyers, real estate agents and politicians, but not exclusively so. The victims were at times the poor and the marginalised, but not always. What the victims shared though, Mr. Speaker, was an inability to secure a just outcome.

If we can view this issue as one which transcends party lines and which requires closer scrutiny through an independent assessment, we will have achieved something important here today. We will tell our fellow Bermudians that we both understand and we are prepared to act together on this issue.

The motion calls for us—in the first part—to take note of the historic losses in Bermuda of citizens' property through theft, dispossession of property and adverse possession claims. Mr. Speaker, I will outline how such losses took place and speak to its prevalence on the Island. Alongside this, two case studies will be presented to provide insight into how such land grabs took place.

The second part of the motion calls for a commission of inquiry into all such known claims and to determine, where possible, the viability of any such

claims and to make recommendations for any victims of wrongful action to receive compensation and justice. I will address why a Commission is the appropriate vehicle for dealing with this issue and propose how it might be structured. And now, based on the interventions by the Government side, Mr. Speaker, I will also address the ways in which it can be funded so that on this fundamental issue of justice the Government does not have to put up a penny to ensure that victims are adequately addressed for the injustice visited upon them in the previous decades.

Mr. Speaker, one could be forgiven for concluding that claims of property theft and land dispossession were simply urban legends, stories that have circulated the Island, a part of folklore (if you will), but with no demonstration of any truth behind them. Sort of like the Loch Ness Monster; urban legend says it exists, but only a few of us have really seen the Loch Ness Monster. So the urban legend continues. Such a conclusion, though, would be based on the fact that no such case of any such claim has been successfully brought before the courts. But it is precisely this lack of adjudication before the courts for most of these claims that requires explanation.

My view, Mr. Speaker, is that the victims' efforts of securing a just outcome have been constrained by the combination of three powerful forces: dominant elites; the politically connected; and the walls of legalism.

Members of the "elite," Mr. Speaker, whether lawyers, the bankers and the real estate agents who work together to deprive unsuspecting landowners of their property through either a series of sham operations camouflaged as legitimate transactions or flagrant violations of the law, knowing that there are minimal chances of being held to account.

The "politically connected," Mr. Speaker, refers to individuals with close ties to politicians but, perhaps more importantly, to people who have actually sat, served in this Honourable Chamber. A significant number of land grabs have their fingerprints and their signatures on paperwork marked for posterity.

By the "walls of legalism," I mean the extent to which the existing legal framework, including the cost of bringing an action, representation in an action and limitation issues . . . how these aspects of the current legal framework have actually prevented justice from prevailing. So in an unusual twist we have seen the incompatibility or the lack of symmetry between the legal framework and the actual quest for justice.

Mr. Speaker, I will provide two case studies shortly, but before doing so let me just refer to a few examples to demonstrate the breadth of such activity across the Island and over the decades.

There is the case of a family who owned property in Paget. The father held the property mortgage free for decades and on his death willed it to his children. At the reading of the will the law firm (which held the title deeds) informed the distressed family

that the father had sold the property some years earlier. There was never any evidence presented of any money actually being transferred to indicate a sale. And the father repeatedly told his children . . . on his death bed, that the property would be left for them.

Another case, Mr. Speaker, involves a family in possession of title deeds for 34 acres of property in Shore Park, Spanish Point. The family went to numerous lawyers over the years but could not find one to take the case. It is interesting to note that when they would begin the conversation with the lawyer on the telephone, the lawyer would invariably say, *If you have title deeds to your property, that is good enough for us—it belongs to you.* And then, when presented with the title deeds, the story changed. Either lawyers were complicit or afraid because they felt they could not take on this issue. No lawyer said to them, *You have no case to answer.* They just met a wall of silence. And so they, too, remained without any real sense of justice.

Mr. Speaker, many of us will be familiar with the case of Mr. John Darrell and his property claims in Southampton. Mr. Darrell's grandfather (and I only use his name because it is in the public record) owned a large tract of some 30 acres of property. But it somehow was sold by the chairman of the Southampton Parish Council. The Parish Councils, Mr. Speaker (just by way of background), were very powerful political entities prior to the dawn of democracy which only graced our shores in the 1960s. Prior to this Parliament becoming the real embodiment of people, there was an authoritarian system in place where Parish Councils ruled. And so the person who chaired the Parish Council, these chairmen, were all men, of course (because we were then very sexist and still are today). The Parish Council chairmen ruled with Teflon-like quality. So whatever they did they were almost impervious to any challenges.

So Mr. Darrell faced this battle and, at great personal sacrifice, was unable to see any kind of a just settlement. Many of his claims and issues were not addressed satisfactorily through the courts.

But in one instance, Mr. Speaker, there was a positive outcome for a property owner. It was a gentleman who owned some property (he inherited some property) in Hamilton Parish. Not a large piece of property, a small piece of property. He was a bus driver, and one day he was approached by one of his friends who said, *Oh, I didn't know you were selling your property down in Hamilton Parish.* He said, *No, sir, I am not selling my property.* He went down to the property and saw a "For Sale" sign on the property.

[Inaudible interjection]

Mr. Walton Brown: I think it was in your constituency MP—no?

[Inaudible interjections]

Mr. Walton Brown: The real estate agent had the sign prominently displayed on the property. So this bus driver (for the purposes of what I am going to say later—he was not a gardener) went to the real estate office and spoke with the general manager. And he was accompanied by his handy machete.

[Laughter]

Mr. Walton Brown: He walked into the office with his machete and said in very strong terms, *Take the sign off my property.* The sign disappeared. The property was not sold by this real estate company, and the owner of the property was able to retain his ownership. But there was clearly an intent by someone without legal right to sell that property.

That is one example of someone who did not get their property taken from them. But how many had their property taken in such a bold fashion because they were afraid, or did not have the resources, or the courage, to confront the perpetrators?

Mr. Speaker, lawyers and real estate agents are at the heart of these dealings because someone had to identify the property and someone had to validate the transactions. I just found this out, I think, two days ago (and you can correct me if I am mistaken) but I was reliably informed that mortgages as recently as 20 years ago typically had the names of the lawyer also on the deeds. Now, I would like for someone to correct me if I am mistaken about that.

[Inaudible interjection]

Mr. Walton Brown: On the conveyance . . . on the conveyance. Because I am trying to figure out how it is that so many people were able to have their property dispossessed *[snap]* like that! And so if the lawyers' names are used on these conveyances, I would like to understand that more. I need to do more research because I only found out about this during my discussions midweek this week.

But, Mr. Speaker, I would now like to examine more closely two examples of land dispossession that highlight the injustice that so many Bermudians have endured in this area. The first I call the "Tucker's Town Tragedy." The second I call the "Somerset Grab."

[Inaudible interjection]

Mr. Walton Brown: Somerset.

[Inaudible interjection]

Mr. Walton Brown: Somerset.

Members, if you sit and listen, elucidation will follow.

[Laughter]

Mr. Walton Brown: Mr. Speaker, the Honourable Finance Minister has injected that I am beginning to sound like him. If I ever do, Mr. Speaker, please tell me to cease and desist. Okay.

[Inaudible interjection]

Mr. Walton Brown: Well, well, let me focus on my speech . . .

An Hon. Member: Stay on track, stay on track.

Mr. Walton Brown: So, Mr. Speaker, we should all be familiar with the law that was passed in 1920 to force the sale of up to 500 acres of land in Tucker's Town, dispossessing black residents so that Furness Withy Company could undertake a massive tourism-related development for Bermuda. We all know that story. We all know what happened in Tucker's Town.

This was over the strenuous objections of many residents, and even a petition by residents and Parliament calling for this to be halted—a petition that we have in our records, Mr. Speaker. In fact, the petitioners, who collectively owned 100 acres stated (and I quote, Mr. Speaker): “. . . no monetary compensation can adequately recompense them for the loss of their lands, houses, vocations and homes.”

Keep that in mind. So for the purpose of this debate, Mr. Speaker, the stance coming out of Parliament in 1920—almost 100 years ago—was that those people who held that property (and had their property taken from them) should be offered their property as a first right of refusal if it was ever to be sold again. That was a very strong sentiment coming out because of this petition and because of the hardship that was visited upon the people.

[Inaudible interjection]

Mr. Walton Brown: Mr. Speaker, for the elucidation of the Government Whip, the property was forcibly sold . . . forcibly sold—

The Speaker: And Honourable Whip, if you are going to speak, you speak from your chair.

Mr. Walton Brown: He would know the rules, Mr. Speaker, after all he is the Whip.

An Hon. Member: Apparently not.

Mr. Walton Brown: So, Mr. Speaker, yes, the land was forcibly sold over and against the objections of many of these residents.

One of the Members of Parliament—back then they were called Members of the Colonial Parliament, so I will use the same—

An Hon. Member: MCPs.

Mr. Walton Brown: MCPs, Member of Colonial Parliament, Mr. [A. B.] Smith (because, again, Mr. Speaker, all the Members of Parliament in the 1920s were males because they refused to allow women the right to vote or participate in Parliament) . . . Mr. Smith made the following comment, Mr. Speaker, and for those who want to question the authenticity of my sources, I have documentation for every single quote I read here today. So if anyone wants to see it, you can happily see it.

[Inaudible interjection]

Mr. Walton Brown: I have the quotes. I have the documents for every single source I cite.

An Hon. Member: Stay on track, Walt, people are listening.

Mr. Walton Brown: So, Mr. Smith made the following comment: “. . . we all know the Crown, when they decide to dispose of lands it has bought, offers them to the people from whom they have expropriated them. . . .” He said, looking at the issue of the Furness Withy Company and the property in Tucker's Town, “This is not a parallel instance, but there is no harm in the Legislature sanctioning the sale of the properties.” [Debates of the House of Assembly, 1920, page 1025]

Sanctioning the sale so that Parliament can say, *Have you given first right of refusal to the original landowners?*

Speaking more fervently on this issue another Member of Colonial Parliament, Mr. [M.] Wainwright, made a point that resonates today and the resonance spills over into other areas of contemporary debate, Mr. Speaker. He stated that controls were needed in this regard because (and I quote him, this is in 1920), “. . . it is a question of Bermuda for Bermudians.”

I do not know if he was xenophobic, but, Mr. Speaker, it is a question of Bermuda for Bermudians.

He went on to say, “it is no use for our successors 10 years after” (and let's add another zero to that—it is no use for our successors 100 years after) “to say ‘Our predecessors have given away our birth-rights.’”

MCP Wainwright went on to say, “We have a duty to do, and there is no harm in protecting the Colony as well as we can.” [Ibid, page 1030]

This sentiment was supported by a Parliament. And many of you say, *But, gee, that is like a hundred years ago—why on earth would you raise this issue in 2014? What possible relevance could it have?* Remember, Mr. Speaker, a few months ago I gave a quote from Karl Marx. People do not like when I quote from Karl Marx, but he said, *The past hangs*

like a nightmare over present generations. And the nightmare of the 1920s is visiting us today.

As a consequence of this debate in Parliament, and of the imperative of allowing or requiring that any transfer of land come back to Parliament (in Tucker's Town) with the hope that the original owners might be able to repurchase it, section 28(3) was inserted into the Bermuda Development [Company] Act (No. 2) 1920. And it reads as follows: "The company shall not," (not may not, the company shall not) "without the previous sanction of the Legislature of these Islands sell, or otherwise dispose of, except by mortgage, or by lease for terms not exceeding twenty-one years, more than one hundred acres of the lands . . . purchased or acquired by the Company . . ." This was included precisely to provide the original owners the opportunity to have first right of refusal. That was 1920.

So it is against this backdrop, Mr. Speaker, that we come to the misappropriation of property issue. In 1954 the owners of the land now called the Mid Ocean Club Limited had their sale of this tourism-designated property to Bermudians and non-residents of Bermuda questioned. Let me repeat, the Mid Ocean Club—who inherited the property from the Bermuda Development Company Act—had their sale of these properties to Bermudians and non-residents of Bermuda questioned by the Colonial Secretary. Who was the Colonial Secretary? The Colonial Secretary was the UK's representative in Bermuda.

Mr. Speaker, in a confidential letter sent on 20 October 1954 (happy to let anyone see it) from the Colonial Secretary to the resident manager of the Mid Ocean Club, the following observation was made: (former residents of the Tucker's Town area were forced to sell their properties and had to seek other homes in the colony): "There have recently been several sales of property in this area to Bermudians and it is doubtful whether this conforms to the original purposes for which the land was compulsorily acquired."

Let me repeat: "it is doubtful whether this conforms to the original purposes" (these sales) "for which the land was compulsorily acquired."

The Colonial Secretary went on to say, "Your Executive Committee" (of the Mid Ocean Club) "will appreciate that if there is any change of policy the persons who were forced to sell their property may well have genuine grounds for complaint." Because the property at Mid Ocean Club was sold in violation of the Bermuda Development Company Act 1920 and the entirety of those sales can now be legitimately questioned.

This is not my interpretation; this is a question arising from the Colonial Secretary, the predecessor of the Governor.

[Inaudible interjection]

Mr. Walton Brown: Or working with the Governor, sorry. So this demands closer scrutiny, and it demands adjudication.

If we are truly committed to addressing issues of injustice in this country, then we have to support a more careful investigation. Do not say that it was 100 years ago and does not matter. They are people whose children and grandchildren and great-grandchildren have been marginalised by this process. So let us not disconnect ourselves from the past.

You cannot celebrate those war veterans who fought in WWI or WWII and not at the same time recognise an injustice that took place around that same time, Mr. Speaker. That alone should get us on board in supporting this motion and a call for a commission of inquiry.

But let us talk about the Somerset Grab. Mr. Speaker, this is a long and convoluted matter that involves seven acres of land, a depressed alcoholic landowner, and a conspiracy by realtors, a prominent law firm and the bank. Now, this is not in the public domain, Mr. Speaker, so I am not going to use any names. Okay?

[Inaudible interjection]

Mr. Walton Brown: Somerset.

[Inaudible interjection]

Mr. Walton Brown: You see, Mr. Speaker—no, no, no, let me not get distracted, no.

[Inaudible interjection]

Mr. Walton Brown: We could have a fulsome debate if people are really interested. But if all you want to do is try to make little punches, then go ahead. But this is a serious matter, and everyone in this House knows that there have been cases whereby people have had their property taken from them illegally. So if people want to play games with it and poke fun at stories, well go ahead, but say it on the floor of the House so everyone can hear you. Let everyone hear what disregard you have for those victims.

[Inaudible interjection]

Mr. Walton Brown: Mr. X (as I refer to him) owned property that he undertook never to sell, but to pass on to his family members. During the 1950s, his will was drawn up by this law firm which handled all his legal matters. The bank was his executor—

[Inaudible interjection]

The Speaker: Honourable Members, please. Carry on.

Mr. Walton Brown: In 1969 there was an alleged sale of Mr. X's property to a real estate agent sanctioned by the law firm. There was an immediate subsequent sale by this real estate agent to a major real estate company. The real estate company subsequently engaged in ten conveyances on the same day involving the managing director of the company as the one party common to all transactions.

Mr. Speaker, this was a blatant attempt at generating clear title for stolen property. Not one of these conveyances was actually recorded legally. In a report prepared by a firm that specialises in assessing property transfers and so forth (I am not sure what the generic title is of these type entities, but in a report on this issue prepared by a firm specialising in property matters) the conclusion reached was as follows: "There is no record in the registry in the form of a recital which sets out how this real property came into the possession of the grantor." So the person who was putting his name on all these transactions, according to the assessment, did not even have title to the property in the first place, but through the ten conveyances in one day, he attempted to fabricate that claim.

On the death of Mr. X the title deeds were transferred to the bank as executors. Nevertheless, the law firm informed the beneficiaries that Mr. X had no real property, but they transferred the deeds to the executor. The executors also told the beneficiaries that there was no real property even though the deeds were later given to the beneficiaries. When the beneficiaries approached the executor he said, *You have no property*, but someone elsewhere in the bank handed over the deeds to the beneficiaries. But because of all of these sham transactions, they were unable to take possession of the property.

Mr. Speaker, this case is highly suggestive of a major law firm involved in the forging of signatures and mortgage documents, of real estate agents blatantly fabricating documents to demonstrate title to property which was the result of illegal activity, and of a bank as executor complicit in the concealment of this illegal practice to the detriment of the beneficiaries.

Mr. Speaker, it is unfortunate to have to report to this House that the examples just cited are likely to be the mere tip of the proverbial iceberg. Since notification of this motion was first made to the public, I have been approached by many Bermudians having similar stories. Many stories have the scent of credibility. Perhaps during this debate other stories will come to light.

The scale of this practice of depriving people of their lands demands closer and independent scrutiny. It is for this reason I hope we can stand on common ground today and support the call for a commission of inquiry. Such a commission needs to be led by an individual who has a sound legal foundation with knowledge about human rights, knowledge about

property issues, and no connection whatsoever to the legal, banking and real estate community in Bermuda. Other members of this commission should likewise have no such connections.

The commission would take evidence and testimony from individuals who come forward, but could also summon people where necessary. And ideally, given that we have all committed ourselves to openness and transparency, these proceedings will take place in public. The commission will also be able to assess the merit of cases on the basis of facts presented and not be constrained by statute of limitations issues, which has often been used to quash actions by marginalised people.

This call for a commission is made under an antiquated piece of legislation—the Commission of Inquiries Act 1935.

[Inaudible interjection]

Mr. Walton Brown: It is antiquated, Mr. Speaker, but this should not, however, prevent us from pushing forward along these lines even if we seek, or the Attorney General seeks, to modify this piece of legislation going forward to increase the powers of the commission of inquiry.

Mr. Speaker, early on the Honourable Attorney General rose to argue the point that this call for a Commission of Inquiry would require the Government to spend money and, therefore, under the Standing Orders, the motion should not be allowed because quite rightly the Opposition—what some people call Her Majesty's Loyal Opposition—are not allowed to present Bills that have an impact on the public purse. But nowhere in this motion is there any sense or obligation on the part of the Bermuda Government to underwrite this matter. The Government should want to . . . should want to, because there are numerous cases of injustice that need to be examined. Your constituents have been marginalised. Your constituents have had their property taken from them.

So, yes, the Government should have a moral obligation to want to address the issue. But I can understand how the Government would not want to because the Honourable Minister of Finance who believes I am adopting some of his characteristics, he likes to hold his hands very firmly around the public purse. So he may not see this as a priority. But hopefully his conscience will get pricked during this debate and he may recognise that there is a need to allocate, indeed, some money toward it.

But the fact of the matter, Mr. Speaker, is that this issue can be underwritten by the United Kingdom Government. They have done very little for us over the decades. They sat by—

[Inaudible interjections]

Mr. Walton Brown: Of course, you would not say that, I would say that because when we had our bigger struggles for racial desegregation Britain did nothing. When we fought for political democracy, Britain did nothing. So on our biggest issues Britain sat by and did nothing. When they were afraid of Hong Kong being returned to China, they actually changed the laws to change our citizenship to deny us the right of abode in the UK. So Britain has a bad track record when it comes to Bermuda and a question of justice.

So on this issue, Mr. Speaker, I am assuming we are going to get the full House to support this motion. I can personally go to the Government House and request of the Governor to seek funding from the UK. At least they should recognise that in 2014 they might have a moral obligation to correct some of the wrongs of the past that they were complicit in, if only through their silence. So this does not incur, necessarily, any money coming out of the public purse.

Justice around land theft issues has been denied to so many families for decades. As the embodiment of the public trust, we have the collective . . . we have a sacred duty to act responsibly to help bring both justice and closure. We have a chance today, Mr. Speaker, to tell Bermudians—those marginalised by the powerful and the connected—that we will act on their behalf. And the time to act is now.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Attorney General, Trevor G. Moniz, from constituency 9.

You have the floor.

Hon. Trevor G. Moniz: Thank you. Thank you, Mr. Speaker.

The Honourable Member's speech was very interesting. To some degree (and this is not a criticism) it rehashes debates and discussions which we have had before. Certainly, the Tucker's Town one we have had on many occasions, and it raises its head on a continual basis in this House. And the Honourable Member . . . I give him credit. He is quoting Karl Marx, and not that many people quote Karl Marx anymore—

[Inaudible interjection]

Hon. Trevor G. Moniz: You would think he would come back. Well, usually now they are quoting Thomas Piketty . . . you know, Thomas Piketty who wrote the new book on *Capital*, but—

[Inaudible interjection]

Hon. Trevor G. Moniz: I have a copy. I got it from the bookstore. I have not gotten too far with it yet, but I have read the introduction.

But, you know, it is an interesting idea there, and certainly a true idea. He talks about the past affecting the future. He talks about a nightmare hanging over us. I want to put that into context and I am not—sincerely, I am not—trying to diminish the suffering that took place over the property in Tucker's Town. I come from that part of the world. I come from Smith's Parish. My original constituency went down to Pink Beach in Hamilton Parish and included all the people at Devil's Hole who were transplanted largely, as it were, from Tucker's Town. So I have heard those stories directly from people. And I have every sympathy in that regard. So as I say, I am not trying to diminish those claims of unfairness or the lack of equity of what was done.

You need to put it in context in a number of ways. One of the ways in which you need to put it into context is to say that there was a purpose for which they were doing that. And that was sort of at the birth of tourism in Bermuda in those early days in the latter part of the 19th century and early part of the 20th century. You had people like Mark Twain who had adopted Bermuda as a sort of second home and was coming here on a regular basis, writing about Bermuda, which was being published. He made all sorts of statements. I think one of the famous ones, *When I die you can go to heaven but I will go to Bermuda*, and all those . . . he was perhaps the greatest salesman for Bermuda as a tourism destination in those days.

And of course we had the Princess Hotel that was built. Princess Louise came . . . exactly. And so the idea was, could we develop a serious tourism industry? And then it was the Furness Withy Company that had this idea to develop that area. And that is when this scheme arose. And it resulted in those people being dispossessed . . . not only those people. As the Member rightly said, there were about a hundred people who signed the petition. There were about 500 landowners *[sic]* in total and I do not question—

[Inaudible interjection]

Hon. Trevor G. Moniz: [Yes,] 500 acres.

And I do not question any of the facts he put forward in that regard.

The result of it, I guess, was success in the sense of the tourism industry in Bermuda did take off.

The Furness Withy project did not really succeed in the end, and that is when we had the Mid Ocean Club that took over. And obviously there was a great resentment on the one hand that largely poorer black people had been dispossessed of their property and richer white people moved in, eventually, with the Mid Ocean Club. Originally it was foreigners with the Furness Withy project. So, obviously, it was very sen-

sitive. And in those cases all of the people who had their property compulsorily purchased were obviously compensated at market rates that were arrived at by a tribunal.

And those people who objected the longest and the hardest received the most money because, in the end, you got a premium. If you were being a nuisance, they would pay you a premium to move on.

Mr. Walton Brown: Point of order, Mr. Speaker.

The Speaker: Yes, Honourable Member?

POINT OF ORDER

Mr. Walton Brown: The Honourable Member is inadvertently . . . he is not misleading, but he is—

The Speaker: Are you trying—

Mr. Walton Brown: — [making] improper comments about the landowners being . . . if you were being greedy, you got a higher price.

An Hon. Member: He did not say that.

The Speaker: He did not say “greedy,” he said . . . he did not say “greedy.”

[Inaudible interjections]

Hon. Trevor G. Moniz: No, no, no.

The Speaker: Anybody who fought against it . . . nuisance, yes.

Mr. Walton Brown: Mr. Speaker, I am happy to take my seat.

The Speaker: All right. Okay.
All right, Honourable Member.

Hon. Trevor G. Moniz: Mr. Speaker, just let me clarify. I am sure if that had been me, I would have been one of the most difficult. And the fact that you received a higher price was not your aim and it did not make you happy. So I am not suggesting you were doing that for that purpose or that having a few extra pounds would have made you happy. So no, I am not suggesting a motive in that. I am just saying that that is how it went down. So that was on the one hand.

And the Member referred to the other case in Somerset, and I had a quick chat with the Honourable Member before to try and get some sense of what his direction was on this debate. Being a lawyer, on the legal side of my training I like to deal more with particulars than with generalities. As a politician, I am quite happy to deal with generalities. Here we have a mixed sort of debate and, you know, sometimes when

people speak of situations they are speaking of situations that have impacted them personally and their family, and I did not know whether that was the case or whether it was a more general discussion.

At the end of the day though, the point that I want to make in this regard is that the Tucker's Town one was not an isolated case. So while the Honourable Member chose two sort of examples of larger parcels that he spoke of—the one in Tucker's Town (which is 500 acres) and the other one (I think, was 7 acres) the Honourable Member spoke about—but there was . . . I mean, because in the Somerset end of the Island there were a number of large parcels of land which were compulsorily purchased, including, for example, Daniel's Head, where 9 Beaches existed, which is now defunct.

[Inaudible interjections]

Hon. Trevor G. Moniz: Okay. The Honourable Member is indicating that is not what he was referring to. But that land was compulsorily acquired and in a very similar sort of . . . well, in a similar manner but for a different purpose, because those were military days. So it was purchased originally by the British and it subsequently became a Canadian base. And in some senses a similar point arose.

The Honourable Member raised the clause in these provisions that was a first right of refusal such that if the land was sold it was meant to be offered back to the original owners. I am presuming that that would be at a fair market price. It was bought from you, you would have to buy it back, but you would have first refusal—that was what was written into the legislation. Insofar as I know, it has never been done for any of these situations, whether Tucker's Town or Daniel's Head or anywhere else.

And just to broaden that even more, to put it in a larger context still, there were large areas of land in what is now Dockyard, which is Ireland Island North and also Ireland Island South. I do not know whether it extended to Boaz Island, but there were many, many compulsory purchases—

[Inaudible interjection]

Hon. Trevor G. Moniz: I am getting there. I am working my way through.

So there were many, many compulsory purchases there. In fact, I think, we have had sight of some of those deeds that came to light I think . . . I am not sure whether it was Britain or whether it was here, a box of deeds came to light which were the original deeds for those properties which were compulsorily purchased in some of the Ireland Island South and North areas.

There were many, many compulsory purchases. The vast majority were dealing with the creation of the Dockyard or they were dealing with military

operations, either (or I guess primarily) during periods of impending war or where a military base was felt to be important. And the other one, as my honourable colleague, Dr. Gibbons, interpolated, was St. David's, of course, where there were a large number of purchases down there which affected many of the families that are still in the East End. I think Mrs. Higgs was one of them. I think they were relatives of the Spurlings, of the Honourable Member here, Mrs. Suzanne Roberts-Holshouser. They were affected by those compulsory purchases.

So just to put it into full context, there were compulsory purchases across Bermuda for military purposes. And this is not unusual to Bermuda. It was done everywhere where they were setting up military bases—either the Second World War or the First World War. They were setting up dockyards, whether it happened here in Bermuda or whether it happened in the UK. In the UK they have the perennial discussion of putting another landing strip at Heathrow Airport, for example, and all of that would be done by a tribunal for compulsory purchases.

Of course, here we also have the railway right of way, which involved purchasing strips all the way up and down Bermuda for the railway to be established, which, at the end of the day, the railway only lasted (I do not know) 10 years, 15 years. That is all it lasted, and then it was defunct. But it has left us with this beautiful ribbon of a park through Bermuda which we are still trying to improve down in the Bailey's Bay area by putting pedestrian bridges across Bailey's Bay to join up bits of it.

And these are important . . . and that was, that was . . . People (particularly in this House) love to cast stones at us poor lawyers. But with respect to the railway right of way, that was the creation of the law firm Conyers Dill & Pearman. You know they got the contract to do all of the conveyances, and they were probably the only ones who ever made money out of the Bermuda Railway because the railway itself went bankrupt and was defunct.

[Inaudible interjections]

Hon. Trevor G. Moniz: No, no. Well, that is right. But they got all the conveyances of every strip of land up and down Bermuda for the Bermuda Railway right of way. And that is how the firm was formed at the time by the original gentleman who got the contract. He said, *Well, I can't do this on my own.* He hired two young chaps to join him and he said, *Let's form a firm and we'll do this job.* And that is how that firm was created.

[Inaudible interjection]

Hon. Trevor G. Moniz: Conyers Dill & Pearman.

[Inaudible interjection]

Hon. Trevor G. Moniz: So that is how that firm was formed. That is where it was created, from the railway right of way.

[Inaudible interjection]

Hon. Trevor G. Moniz: You know, it is an interesting and a broad subject. I do not want to diminish the importance of it. But you know the cases that you hear about publicly are not the only cases. And people who bang the drum about Tucker's Town, which, as I say, I do not complain about, but do not forget there were hundreds and thousands of other cases that were very similar to that across the Island, and up and down this Island, which have affected families in an enormous way. And sometimes we do not see the wood for the trees and see that this is something that occurred across Bermuda.

But, of course, that was then and this is now. So from this side of the House—and that is, with respect, I am speaking now to those large compulsory purchases, because the Honourable Member had two different types—

[Inaudible interjection]

Hon. Trevor G. Moniz: I will get to that in due course.

But to the large compulsory purchases, you cannot really revisit them. And the Honourable Member raises certain points about the first right of refusal, and that has some legitimacy and I do not question the letter that he referred to from 1954 from the then Colonial Secretary about the first right of refusal. And he is quite right that first right of refusal was quite often not honoured—it was more honoured in the breach, that promise. But that is in all cases, it is not just Tucker's Town. That is true of Daniel's Head. That is true of all of these properties and it affected people across the spectrum.

The Honourable Member was fair and frank enough to say that at the beginning, although he pinpointed some of these accusations against what he called the villains (talking about lawyers, politicians and real estate agents), and talking about the victims (who were often poor and powerless). But, you know, it is truth that the villains run the gamut and the victims run the gamut, and that is the truth.

Yes, some of the villains were lawyers, politicians and real estate agents and banks—let's throw banks in there. I mean, they were all involved. But there were a lot of people who took opportunities and engaged in sharp practice—and this is shifting over to the private ones as opposed to the large public compulsory purchases. There were people who engaged in, what I say, "sharp practices." I am trying to be diplomatic. And I have certainly seen these, and these were not just long ago. I have seen them in my practice, in my professional lifetime, as it were.

One very prominent real estate firm, often a client of mine on mortgage and purchase of property, and when I saw the documents I saw the property had been purchased by one of the employees of the large prominent real estate agent. We took objection to that and, you know, there was an interchange, and a promise of legal action if redress was not made. And redress was eventually, reluctantly, made and the situation was sorted out.

[Inaudible interjection]

Hon. Trevor G. Moniz: That was probably . . . 1980s, I think . . . 1980s. Sharp practice is not something that is going to disappear, it is part of human nature.

So I think we need to separate those two lots of cases. The compulsory purchase ones are largely older ones. The most recent ones are, perhaps, the ones dealing with St. David's that were done during and before the Second World War when the airport was created in St. David's. Those were the most recent ones. And my own view on that is that there is nothing that we can do about it. What was done there was not, in my view, unlawful. The laws permitted it. The Parliamentarians who made those decisions had their reasons for doing it.

You know, in the case of Tucker's Town it was Furness Withy. It was to open up tourism for Bermuda, which was a laudable thing to do, which produced a lot of . . . it was successful. We had a burgeoning tourism industry. We had much employment for Bermudians there. It raised all boats in the sense that economy did extremely well out of tourism even though that particular project at the end of the day was not successful. That particular project did not work out at the end, but it was a worthwhile idea.

So I do not think—

[Inaudible interjection]

Hon. Trevor G. Moniz: Well, no, that is right. That area . . . there has been a lot of tourism.

[Inaudible interjections]

The Speaker: Honourable Members, we were doing very well. This has been one of the best debates I have had the opportunity to listen to since I have sat here in the Chair. And it has been going very well. The Honourable Member from Pembroke [Central], [constituency] 17, did well. The Honourable Attorney General is doing very well. And until about two minutes ago, it was really an outstanding debate and I would like for it to continue that way.

Attorney General?

Hon. Trevor G. Moniz: Yes, and thank you, Mr. Speaker.

I would like to praise the Honourable Member who brought the motion. He, I thought, dealt with it in a very sober and largely even-handed fashion. Obviously feelings run high in the community, particularly in certain areas of the community, on these matters, and I am not trying to downplay that in any way whatsoever.

But on this side of the House, with respect to the large public purchases which were authorised by Parliament, by this House, we on this side do not feel it would be a useful exercise to call for any Commission to re-examine that. It was done by operation of law. It is easy to re-examine it in hindsight to say, *Well, today we wouldn't do it that way. We wouldn't do it in that fashion.* We might have done a number of things differently looking at it through our eyes in a different century than what they did then. So we just do not feel that would be a useful exercise.

With respect to the individual cases of people that the Honourable Member said were taken advantage of—those really have to be dealt with on a case-by-case basis. Some of those [are] sort of apocryphal from the Member because he did not name names. I am trying to figure out . . . and I know of a lot of cases where allegations have been made, and in a lot of cases the allegations cannot be proved, they cannot be substantiated. They are not substantiated, and we get this . . . you know, as a lawyer I get this.

I get one case on a regular basis where a gentleman has his lawyer call up and say, *My client says he owns your client's property.* So my response to him is, *On what basis does your client say that? Can he share that information with me? And the ready response always is, No, he has nothing to substantiate it. He just feels he owns your client's property.* So we always reply, *Well, we have the deeds. The title goes back 200 years and neither your client nor any of his family are mentioned on any of the deeds at any time, so he must be mistaken.* This gentleman has a mistaken, but very firm, view that he owns this property and there is no . . . he cannot substantiate it because it is simply not true. So the cases range very broadly from those sort of cases on the one hand.

The Honourable Member did refer to the case of John Darrell. And the difficulty with John Darrell's case . . . my understanding is that that has been litigated and the courts ruled against Mr. Darrell. The evidence that I have been informed of did not support Mr. Darrell's claims. Now, Mr. Darrell was absolutely convinced and determined that this property was his, but ultimately the courts decided it was not and that he had no claim. And we cannot go behind that. It has been adjudicated by the courts. I think at one stage he went to a QC in the United Kingdom and so on.

Obviously, we are sympathetic with someone who is unhappy, who is upset. But at the end of the day the courts have adjudicated and we have to accept that. There is no point in trying to get a commission to write a report on something that has already

been adjudicated. And that is one of the difficulties. You get a commission to write a report, so where does that leave you? It writes a report saying, *Oh, what was done . . . If we did it today, we wouldn't do it the way it was done then. We would do it a different way. Thank you very much.* So you had a very expensive report which does not take you anywhere. It does not make any decisions.

So with respect to individuals who are looking for justice, the case for them to receive satisfaction, if it is to be received, is before the courts of the land. Those individuals have to take their cases to court. And, as I said, I have seen a variety of cases, some of which seemed to have no support and some of which are very worthwhile of taking to court and looked like they would have a decent chance of success if properly handled through a court. But that is what you have to do. And, obviously, when you go into courts you do run into issues of whether through the effluxion of time—through the passage of time—you no longer have a good claim.

Obviously, when you have property and you have adverse claims, you have to deal with it immediately. You have a six-year period to make a claim. And over a 20-year period you can establish adverse possession, et cetera (which was one of the cases that the Honourable Member referred to). So you have to act in a reasonably diligent and expeditious way, not overnight, not in a matter of days or weeks, but you have to act in a matter of years. We have had a recent groundbreaking decision by the Chief Justice—

[Inaudible interjection]

Hon. Trevor G. Moniz: Yes, with respect to adverse possession. And with those there is, you know, I am sure one very happy person and one very unhappy person. And I make no comment on that decision, but I think it deserves to be tested in a higher court. I think that would be my advice there that the landlord should take that to a higher court and have that tested.

So I think on our side, and I do not want to take up any more time of the House on this matter. We sympathise with the concerns that the Honourable Member has raised, but for the reasons I have set out, we do not feel that a commission would be useful either in the case of the large compulsory purchases or in the case of the individual allegations of wrong doing. So I will finish there.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Member from Pembroke East, constituency 15, MP Walter Roban.

You have the floor.

Mr. Walter H. Roban: Thank you very much, Mr. Speaker.

I am not going to speak very long on this because I believe that on the merits of the substantive points made by the Honourable Member who made this particular motion and the case that he brought, it is going to either rise or fall on that. And we have heard the statement from the Honourable Attorney General, the Member who sits in constituency 9 . . . I guess he has put forth the Government's view on matters like this.

And just, if I could, Mr. Speaker, I will restate the motion: "THAT this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims;

"AND BE IT RESOLVED that this Honourable House calls on His Excellency the Governor to establish a Commission of inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice."

I, like many people, have always heard the stories of matters concerning this, Mr. Speaker. And I commend the Honourable Member for bringing this matter to this House. I listened carefully to all that has been said so far and I listened carefully to the Honourable Attorney General, the Member who sits in constituency 9, and I must perhaps politely disagree with some of the points that he has made about . . . that the only redress for these matters can be in the courts. Well, I would respectfully say that perhaps it is one of those times where (and I am not looking to be insulting in any way) there are clearly two sides to this issue.

And not that the Honourable Attorney General did not express empathy or even concern with the result that many families have felt having gone through these experiences, but let's face it, many of the issues, or many of the circumstances that have been outlined, at least in the case that the Honourable Member put, and certainly the Honourable Member from constituency 17, Walton Brown has not sought to give examples of all of the definitive examples of what has happened around these issues. He has just given some mere examples which he has become familiar with and that there are even some public record around.

Now, I think there is an understanding that some of the compulsory purchases of which the Honourable Member did not speak about (about things like St. David's and even compulsory purchases that were done in Southampton or Ireland Island), which were done way back in the mid to early 1800s for the Dockyard are perhaps not the real subjects of what he is looking to deal with. Because as the Honourable Attorney General said, they were done under a framework of law which not only would have extended

to Bermuda, but was used by the UK and the United States themselves in the land lease agreements, or whatever the British were doing back when they did the Dockyard or Morgan's Point and other parts of the Island, and also St. David's, which were a product of these larger transactions which were done almost as part of a treaty agreement.

I do not think that those are the areas that the Member is looking to reference as the rationale for calling for the Commission of inquiry. I think it is some of these matters that pertain to private doings, which seemingly were not done under the umbrella of good law and, if referencing the descriptions that the Honourable Member from constituency 17 has put into his brief, were clearly done in a nefarious manner and were not done from a position of equity for all the parties that were concerned. And I think those are the key areas and circumstances that the Honourable Member is looking to bringing attention to and that need the merit of an impartial review.

Yes, we all know the stories of Tucker's Town. And if you read, the only other exhaustive, I would say, review that I have seen of the Tucker's Town [transaction] is a book done by Duncan McDowall in which he discusses the history of Bermuda tourism. He is the only other person who has gone into some detail to discuss the circumstances of the Tucker's Town transaction. I am actually re-reading the book again because it is just light reading to me, and I like to do things on Bermuda history. So that is probably why . . . well, okay, for me it is.

[Inaudible interjection]

Mr. Walter H. Roban: I just like reading it because I am a reference reader. I am not a person big into fiction. You know, I considered encyclopaedias light reading when I was a young boy. That is how I was. But anyway—

[Inaudible interjection]

Mr. Walter H. Roban: Yes, it does explain a lot doesn't it, Mr. Speaker?

When you look at the circumstances of that particular . . . and I am only going to reference this briefly because it is perhaps the bigger circumstance. There were clearly . . . there may not have been necessarily equity in there, despite the fact that there was a framework of law created to facilitate the transactions, and there was a commission set up to do it. Let's face it, it was mostly poor people who were at the mercy of the Government, and private interest who wanted to do this no matter what, and they created the structure to facilitate this irrespective of the inconvenience it might have brought to those whose land was going to be the subject of the transaction. That is the reality.

So one can make reference to the courts being a place of redress, but the courts that existed in the 1920s, '30s, '40s and '50s and also the '60s (much of the examples that the Honourable Member referenced) . . . there was a feeling by many people that the courts were not just in these transactions and in a number of other things. And when the Honourable Attorney General says, *Well, there is no other redress.* Well, we have seen not just in Bermuda but in other places where, despite the courts going through a process of proper judicial exercise to come to a conclusion, that often we have seen commissions of inquiry come back. I will just reference the Birmingham Six being one of them in the UK, and the numerous cases in the United States where Native Americans have found their lands signed over by proper treaty and then taken away from them. No court was prepared to support their claims against the very US Government who was supposedly protecting them, or even local interests, until centuries later. We have seen that.

The courts often do not necessarily play the best role in these processes. So let us put the courts in context that perhaps in the 1920's, '30s and '40s and '50s for poor people in Bermuda and people of African descent, but not only just people of African descent, the courts were not necessarily the place where they had the means or the opportunity or the ultimate satisfaction for equity. We should accept that as a part of our history, as part of the unfinished business of our history that we often seem to deny around here, that maybe these institutions were not actually fair to everybody despite the fact . . . and I understand as a prominent lawyer, the Honourable Attorney General, has a duty to represent the court and that the court is an honourable place. All lawyers have that duty. I understand that. I declare my interest of having some closeness to people in the legal fraternity, so I understand that.

[Inaudible interjection]

Mr. Walter H. Roban: I am trying to be a bit discreet here, Mr. Speaker.

But anyway, I understand that. But the courts have not always been honourable or just. And that is something that should be accepted. So despite the context of where we are in the early 20th century or now in the early 21st century, we should accept that perhaps that was the case for some people in this country. They were not able to get justice from Her Majesty's Courts at the time. And as a result of the lack of feeling of justice or equity there are lingering emotional consequences around certain things that have happened that remain to this day, and the magnitude of these transactions merit some additional inquiry.

Let us just bring it a little closer to home here in this late 20th century and [early] 21st century. We in

the very last part of the last century, or I would say perhaps in the first part of this century, Mr. Speaker, had an issue related to land that was of concern. That had to do with the fronting matter, which, in itself, Mr. Speaker, seemed to have included lawyers, perhaps bankers and realtors, who were participating and aiding and abetting the movement of land from Bermudians into the hands of non-Bermudians in a way that was inconsistent with the law, or in a way that was not in the spirit of the law. And action had to be taken by the Government at the time—those in Government of the day—to actually address this.

That is perhaps a more modern example where we find some of the issues that the Honourable Member is seeking to ensure that have some sort of inquiry treatment. But that is a more modern situation. And there was actually some evidence and activities that brought that to light because the Government did have to change legislation to address that and had to take actions on persons who were participating in those activities. And you as a former Minister, Mr. Speaker, would have some knowledge of that.

I say that this is not just about things that happened in the past. We are still to this day grappling with issues around land—the opportunity and access to land by people who are considered Bermudians and the birthright that that has always extended to people. There is a certain feeling that all Bermudians . . . and we as Bermudians understand that the acquisition and acquiring and possession of land—either for ourselves or for our families—means something, Mr. Speaker. And particularly people of African descent who would have been in possession themselves prior to 1834 in this country, to have been . . . to then become landowners and families who have possession of land in their own right. [They would] always see it in a sense of accomplishment.

Certainly, some of the subjects and cases that the Honourable Member has brought to light in his brief perhaps are families that would have had that experience where their families acquired the land maybe just by a handshake in some cases, Mr. Speaker. They did not have the benefit because of lack of literacy or lack of accessibility to proper legal representation of the day. And if we are talking about the 19th century and early 20th century, most people of colour were not necessarily literate and did not have the access and opportunity to have someone who was literate or learned, or the means to acquire that resource to hold their land. I can bet you that many of the people down in St. David's (and I am not suggesting that that should be a subject of this inquiry) were some of those people.

But, clearly, when the Government decided—and that would have been the British Government and the US Government—that those certain areas were going to be a part of the land lease exchange, certain things had to be done to make it legitimate. And that would have given them accessibility to a lawyer who

would have properly subdivided the land and conveyed it and all that sort of stuff.

But outside of those particular types of transactions, we had the private ones where a family who might have acquired the land through a handshake by a great-great ancestor, and that land was passed down without any sense of separation for three or four generations, but then something happened of which the family is totally unaware and they did not know that granddaddy did not have the proper deeds or the deeds were not done right, or they did not know where the deeds were, much less to know what was not done right. And then something happened and it brought about an injustice and they did not have the opportunity or the means to go to a lawyer, to go to the courts to seek redress, not that they would have got it because as the Honourable Member said in his brief, often the Members of the Legislature of the day were lawyers and judges, and in many ways were connected, [and they] facilitated some of these practices.

I think we have to accept that during this period of time not everybody had the opportunity for equity, Mr. Speaker. And if we accept that, then perhaps there is room for this House to give credence to the request that the Honourable Member is making to us on that basis.

But we have to first accept that institutions like the courts and others who had responsibilities in these areas might not have been so efficient in providing equity to everybody when it came to these matters, whether they were poor or otherwise. But as we have known, there have been steps in this Legislature over 100 years or more to protect land in the interest of Bermudians. Perhaps not for the same reasons we are talking about here, but that has been a prerogative, because the protection of the interest of Bermudians and land has been seen as a sacred—a sacred—mission.

If we understand some of these things, Mr. Speaker . . . and I am not going to spend much more time here. If this is something that we understand and believe, that the connection of Bermudians—individuals and families—to their land is something that is . . . and the birthright that that in itself creates is something that is a part of the national psyche, then we have to accept that things may have happened which might have violated that. And that in the context of the period [of time] upon which we are referencing for the purposes of this inquiry, not everything was equal, not everything was just.

And for that reason I think the request and the motion (which I will not read again, but I have already read) does merit this House giving some strong consideration. And I would hope that in the spirit of us looking to, not necessarily right every wrong of the past, but actually bring some clarity as to how we might deal with issues in the future, that this inquiry might give us some window towards that. And that it

would be of some benefit for this House to support this motion, Mr. Speaker, because it is the right thing to do.

Thank you very much.

The Speaker: All right. Thank you very much, Honourable Member.

The Chair will now recognise the Honourable Deputy Speaker, the Member from St. George's South, constituency 4, Deputy Speaker Roberts-Holshouser.

You have the floor.

Mrs. Suzann Roberts-Holshouser: Thank you very much, Mr. Speaker.

I believe the reason probably why we are having a debate that is, I think, probably important to all of us in the room which is probably why it is going as smoothly as it is. And while I appreciate the sentiments of the Member from constituency 15, Pembroke East, in a lot of what he said . . . and indeed we are looking at and reflecting on individuals, perhaps not the same way as groups of property owners that lost their rights in the past. But I disagree, which is why it is important for me not to take away from the last Member's statements.

I took a quick look at the word "theft." I think we all know what the word theft is, but it is taking another person's property without that person's permission or consent. It is taking a person's property without that person's permission or consent. And I am not so convinced that while, generally, the people of St. David's knew and understood the importance of giving their property up, it was not without stress, duress and, in some places, downright, *No, I am not going to do it.*

Mr. Speaker, I have heard many stories in my family growing up. And one of them was how a Mr. Lamb refused to leave his house and the property in which he had grown up in. And indeed what ended up on this particular day was that they lifted his house from the ground on which it sat, picked the house up, travelled further into St. David's, and laid it back down, which I can say it sat there for maybe up until about six, seven years ago, this little wooden cottage at the end of a street in St. David's. So we cannot honestly say that it was all without true consent. It was done because of the importance of understanding why they needed [the land].

There was a letter from one of my ancestors (which is in the archives) where she had written off to the US Government pleading that, while a certain sum of money was going to be given for her property, her husband was of ill accord and could not bring an income to support the family. As we know, women mostly stayed at home and raised the children and took care of the household. It was the man of the house that raised the money to support that family, and he could no longer do so. So she had sought for

an increase in the amount of money that was being afforded to her saying that she could not sustain her family.

We do not know the outcome of that letter, Mr. Speaker, but I would vouch to say she was not successful, based on the fact that they needed this land, this was the amount of money they were going to be given, and that was to be that.

Of the 450 acres of land in St. David's, 300 acres was moved over for the taking over of the Base Lands and for the airport. For the most part, St. David's islanders lived a very peaceful life, hard work . . . and I am not saying the rest of the Island did not, but I will say that their life was quiet and peaceful as they were not joined by the rest of the land until the Severn Bridge was put into place, and then their life was quickly disrupted.

There is a newspaper article, Mr. Speaker, if I could quote, from 1941—it was an American newspaper—and it said, "Changes affected both homes and economic way of life of hundreds of Bermudians following the wake of Uncle Sam's acquisition of naval and air bases in these islands."

Their lives were affected. A lot of them were relocated, some of them on Texas Road. Unfortunately, the move had to take place before new homes could be built for them. So many St. David's islanders found themselves living in barracks until such time as their homes were built. This was certainly not the way of life—not *their* way of life. So the people of St. David's lost much when that land was removed from them.

I would like to make a recommendation under the purposes of this motion. And that is, while it is difficult for compensation, or this motion (which is looking at compensation) . . . and, yes, I can say there was an individual . . . before I go there, there was an individual that I know was the child of a very well-known St. David's islander who had a lovely enterprise of hard work. Many people from all around the world would come and visit his property and enjoy the food. When the father passed away, it was discovered that along the lines, and without the family knowing that he had borrowed money—and he did not go to the typical bank to borrow money, he borrowed money from an individual who he knew would have the money. And as we have normally seen and what I believe the Member who brought this motion to the floor has talked about already, the deed was to be held while and until such time as the money was returned.

Unfortunately, that did not take place. And what happened upon the death, the family then discovered that they no longer owned this land, that someone else owned the land. And I can tell you, Mr. Speaker, it broke my heart to know that a Bermuda tradition—a St. David's tradition—was going to be ended because of the fact was that not necessarily all

of the children could afford to purchase this land back. But that is how things were done.

Unfortunately there are times . . . I believe even today there are such situations where children are taking advantage of their parents where they are taking hold of deeds and making promises that, *We will take care of you and you can live here for the rest of your lives*. They sign over their property and we find almost the same thing. It is slightly different, and it is different and I do not mean to undermine the sincerity and the importance of this motion. But I did say I had a recommendation especially for the people of St. David's who lost their property, who lost their livelihoods. I would like to see a plaque acknowledging their donation in recognition of what they did for the rest of the world and for the rest of Bermuda. In our history they have not been, I believe, acknowledged for giving up something that was the only thing that they had, for the most part. And I would like to see some form of recognition at the airport and the land that they once owned.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair now recognises the Honourable Member from Southampton East, MP Zane De Silva.

You have the floor.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

Mr. Speaker, I am happy to make a contribution to this debate this afternoon. I certainly thank my colleague, the Honourable Walton Brown, for bringing this motion. I think it is a topic that some of us do not like to talk about.

Mr. Speaker, I am certainly not going to repeat everything that was very articulately given by my honourable colleague, Mr. Brown. But I would like to make a few comments on the comments by the Learned Attorney General repeating a few of the things he said, which I found very interesting. And what really caught my ear was when that Honourable Member said he did not feel that those on that side—i.e., the Government Members—did not think or feel it would be a useful exercise on that side of the House to take it any further.

Mr. Speaker, whilst I have heard the stories about Tucker's Town and Somerset, and I certainly heard a few of the other stories that I think are in the public and some that are not out in the public, Mr. Darrell was mentioned. And we all know the story about Mr. Darrell. But I know also a few people that had their issues, Mr. Speaker. And if you have ever worked very, very hard to own a piece of this rock, Mr. Speaker, if anyone has had to work for property in Bermuda and they have not had the luxury of it being given to them by their fathers or a relative, Mr. Speaker, if you have not had that experience, and I think of those that have and I would like to think that I am one of those, Mr. Speaker. To think that someone,

for whatever reason—through the legal fraternity, through the real estate divisions in past and in present—to think that someone may lose that property for which they laboured very hard by the stroke of a pen that was not done legally, Mr. Speaker. Mr. Speaker, I am sorry, but I feel for those. I feel for those people, Mr. Speaker, I really do.

I disagree with the Learned Attorney General—and if it is the entire OBA's feeling that it is not a useful exercise to look into some properties in the past that may have been taken away illegally or otherwise—

[Inaudible interjection]

Hon. Zane J. S. De Silva: Yes

Mr. Speaker, I think it is important to note that I am talking to my colleagues, because there is not one OBA Member sitting in this House.

[Inaudible interjections and clapping from Gallery]

The Speaker: Young lady . . .

Have a seat please, Honourable Member.

Let me just tell you that in this House, if you are going to sit in the Gallery, you sit in the Gallery and you do not interact in that way. Otherwise I will ask you to leave.

Hon. Zane J. S. De Silva: Yes, Mr. Speaker, I know some folks that come to the Gallery do not know the rules, and I am sure they appreciate you giving them the schooling, indeed.

So, Mr. Speaker, I will say for the listening public that at the moment I am talking to you and the Gallery and to my colleagues on this side of the House because there is not one OBA Member sitting in the House at this present time—not one. And I have to think that the reason it is empty is because this is not an important topic.

How sad!

Mr. Speaker, how sad, that not one OBA Member of Parliament—not even the Premier—is in the Chamber at this present time. It is sad, Mr. Speaker. But I will move on.

Mr. Speaker, I said that the Attorney General's comments I felt were unwarranted and certainly not sympathetic. And what I found also interesting from the Attorney General was that he himself admitted that he knows of cases of these allegations, Mr. Speaker. And I will come to that in a moment. The Honourable Attorney General also suggested that if any individuals feel that they have had land taken away from them illegally, unjustly or otherwise, they can go through the courts.

Mr. Speaker, therein lies the problem and it goes back tens, maybe hundreds of years. Therein lies the problem! The Honourable unsympathetic Attorney General, in my view, when he said *individuals*

can take their cases to court . . . this is why a lot of our people lost land. They did not have money to fight it.

Mr. Speaker, Pastor Leroy Bean lost a lease for White's Island just recently that was signed under a PLP Government. He felt he had a lease. But you know why he could not fight it in court? He does not have the money. That happened this year. That, Mr. Speaker, is an example, I think, of what has happened in the past. And I think we all know that. For the Honourable Attorney General to make that statement that if anyone has an issue, take it to court—what individuals are we talking about, Mr. Speaker? Not everybody has got a big fat treasure chest sitting in their bedroom. How much do we think, Mr. Speaker, Mr. John Darrell paid over the last . . . I do not know, how long did he fight that case—15, 20 years? I mean, I seem to even remember John Darrell arguing about fighting for that land when I was a teenager, Mr. Speaker. Maybe I was a little older, I do not know.

But Mr. Speaker, I say this, how much did he spend? Whether he was right or he was wrong, how much did he spend? He felt he had a case. So I say to the Honourable Members opposite who are now trickling in (that is good to see) I say to them, Mr. Speaker, that before you say, *Look, if you feel you have been unjustly treated or your property has been illegally stolen, take people to court*, let us not be so cold.

I have a suggestion for the OBA, Mr. Speaker. And my suggestion would be this, because the OBA promised a lot of jobs, and I know there are some lawyers that are struggling for work in this country, Mr. Speaker, and I have seen a few in the last couple of years that have been admitted to the Bar. And what I would suggest to the OBA, Mr. Speaker, is to maybe hire one of these young Bermudian lawyers to independently accept claims by any individual that feels they may have a case.

Now, you may say, *Well, how are we going to do that?* I would, again, humbly suggest to the OBA that they send a letter . . . and Mr. Speaker, this may be a little bold, but I suggest that the OBA send a letter to every household in Bermuda (it is a stamp and a letter), and suggest or ask anyone that may feel that they or their family have had land unjustly or illegally taken away from them to contact this independent lawyer that the OBA can hire and can be reimbursed by the UK. Because, as I understand it, there may be . . . and you know what? Even if we are not covered by the UK, if we are a caring Government and we take the words of Walton Brown—

The Speaker: It is the Honourable Member from constituency—

Hon. Zane J. S. De Silva: —[constituency] 15?

The Speaker: Constituency 17.

Hon. Zane J. S. De Silva: The Honourable Member from constituency 17, Mr. Brown, if we—

The Speaker: You do not need to say his name, the Honourable Member from constituency 17.

Hon. Zane J. S. De Silva: Thank you, thank you, Mr. Speaker, because it is hard enough remembering his constituency—

The Speaker: Yes.

Hon. Zane J. S. De Silva: And the last thing I want to do is call him Dr. Brown.

[Laughter]

Hon. Zane J. S. De Silva: Because I know him and his cousin, you know.

But no, Mr. Speaker, if we are really serious about trying to maybe assist some of those . . . and today too, because there are some members of the public (and I happen to know one or two personally) that have issues with land that has been taken away from them. They feel [it was done] illegally, unjustly, some funny paperwork has been shuffled around and land taken away. I would suggest—now that we have some OBA Members in the House—that they hire an independent Bermudian lawyer to look into any cases that may come about if the OBA were to decide to send a letter to every household in Bermuda because they are . . . you know, this in itself . . . I would like the thank the Honourable Member again, because this in itself may bring a few cases to light where people have been afraid to take their challenge forward.

I know of one individual in particular from the West End, too, by the way, who has been fighting for land that belonged to him and he felt it was taken away illegally, some paperwork shuffled, some signatures garnished, taken away from him illegally. And I know he has been struggling with it.

Mr. Speaker, I would just like to finish on that note because we can complain and we can make a lot of noise as Opposition, but the other side—the Government—always says, *Well why don't you come up with a solution or an idea?* Well, that is mine for the day, Mr. Speaker. Hire a Bermudian lawyer, send letters to every household in Bermuda—just a little one liner. Now they may get up and say, *You know, we'll be inundated.* Well, if they are inundated that means we have got some serious problems. But you know we should be willing to take on and pay a lawyer to look at these cases individually and chase them and let us see if we can have some resolution.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from constituency 12, Devonshire South Central, MP Craig Cannonier.

You have the floor.

Mr. L. Craig Cannonier: Thank you, Mr. Speaker.

I would like to first give the Honourable Member from constituency 17 kudos for looking for an opportunity to really right the ship as per some of the grievances of the past.

Let me go on to say, Mr. Speaker, that I want to specifically talk about St. David's. And I will declare my interest. My mother was the librarian for the Base Lands (that was her first job), and she went on through to retirement or until the base left Bermuda and the land was turned back over to the Bermuda Government, she was there. And I recall when the base was leaving, the Americans were leaving the property, there were many maps. The Americans did most of the maps of Bermuda. The original maps of what it was outlined like and what it looked like before we land filled for the airport. Most people in this Honourable House would know that that was water before and that it did not look as it does right now.

In fact, I know of a lot of the stories about rowing across from St. David's to Bailey's Bay, also rowing across over to St. George's and hearing many of the old jokes about my father and his cousin stealing bananas from over at St. George's and the police chasing them in a rowboat while they were rowing over to St. David's.

[Laughter]

Mr. L. Craig Cannonier: But I want to get back to what I discovered as a teenager because I spent most of my summers in the library with my mother.

I discovered that the Base Lands were going to burn many of the original maps. I, at this present time, have a map of St. David's with all the original owners of these particular lands, the lots actually drawn up. And I found it rather interesting as I was studying this map and the different landowners of these lands in the St. David's area. And if you talk to young people today, they would not know when they go over to Clearwater how the land was separated by water and land. It does not look anything like it looks right now.

But to say that there were many St. David's islanders who had to move . . . some of them were on beachfront properties actually. I will say that again—some of them were on beachfront properties. But they were moved to compensate and to help to establish the airport that we wanted to have.

I cannot go into all the legalities and the [injustices] of what exactly took place then, but what I can talk to is what happened when Government took over that land. And this was land that was originally owned by St. David's islanders. And what I believe to be one

of the most sentimental places on the Island, which is St. David's, which continues on to be a very closely knit community, they have in a lot of ways suffered from the result of decisions that might have been made by governments of the past. Which is why (and I will fast forward) the Lamb Foggo situation was such a big thing because St. David's islanders are very sentimental about the property and the land because consciously (and some of them in their subconscious) they recognise that some wrongs were done in the past.

What I thought would have been the right thing to do when we—the Government—possessed this land was to first, as a process, go through who the original owners of this land were and to offer it to the St. David's islanders as a process first. Now, they did not have to take it up. And I need to declare my interest. My uncle, one of the best bowlers to come out of St. David's outside of my father—you would know that—did buy one of the properties that was offered. It was one of the prefab places that they did up really nice and he did buy some of those properties. So, a few St. David's islanders took up the opportunity to acquire pieces of the land.

But what is concerning is the fact that as a Government back then, they did not look at the value of those St. David's islanders who were living at that time who were holding on to the [important] history that they had and the sentimental value that they still had to that property. So, as a process, I think that many times we make decisions but many times when we are making decisions we are forgetting the people that we are affecting. I am going to go back to St. David's.

St. David's is just now, when it comes to real estate value, beginning to acquire that value like the rest of the Island in many cases. But I came along right on through to adulthood. If you want a cheaper rent, if you want to buy a cheaper house, you head down to St. David's. And you think St. David's islanders are not thinking about that? And thinking about the history?

So that is why I am commending the Honourable Member from constituency 17 for at least attempting to look for a solution. Now, what that solution is I do not know. But what I do want to say is this, that as a process we must remember that we are making decisions about people. And along with people comes sentimental value. And that is why all that hoopla . . . you know, I am going to be frank with you. I think a lot of people thought that the Lamb Foggo thing was about the clinic closing down. It was not. It was about the fact that they felt that they had been done wrong in many, many cases of the past. It was not about the clinic.

We got into the politics of it all and got all hyped up, you know, it was the politics of it and it was about the clinic. It was not. It was about a sentimental value that was being lost.

So today, as we make our decisions going forward, I am asking this Honourable House to remember that we are dealing with people. And to remember the mind state that they might be in when we make these decisions and that . . . some of these things did not just happen in St. David's. I know they happened in other places as well. I cannot put back the milk that was spilled back in the early 1900s—I cannot. But what I can do in this Honourable House is speak about how we move forward with issues like this.

We can go back and forth as to who was done wrong and who was not done wrong and the injustices (as we perceive it to be) of the past and some . . . I will admit there were some injustices of the past. But what we have got to do now is figure out how we work going forward. And I am not talking about a clean slate. I am talking about recognising the past so that we can chart a proper course for the future. And that is why I say as a procedure what probably should have happened for St. David's—and I only speaking there because I come from there, born and raised there—is that we should have offered as a priority those lands back to the St. David's islanders who were moved off of . . . and I go back to beachfront property because a lot of people do not know that when you are on Clearwater Beach and you look across at St. Annie's Bay there is a beach over there too. There are houses along there.

So, as a Government, it is important that we now move forward. I do not know if the answer is going to the Governor. I do not know if the answer lies within this Honourable House. But what I do know is that the right thing that should have been done when the land came back to Government was to remember it is about people and those original owners and those families of St. David's should have been given priority. Now, if they do not take it up then they do not take it up. That is fine. People move on. And that would be a clear indication as to whether or not people have moved on and you would know. You would know.

So as we move forward with this here, this whole situation gets pretty sticky because it involves not just Government, it involves banks, it involves people. I mean, we have situations where people were loaned money and so when they loaned it back years ago, they gave up their deeds and then people came back and said, *Well, look, you haven't paid off the rest* . . . I know of a situation it was few hundred dollars they had not paid off and the person did not give the opportunity to the original family to pay it off, they just kept the deeds. And so we really need to look at this situation and ensure that we are doing the right thing going forward.

Again, I go back to the fact that a place like St. David's who the country—the whole Island, I believe—looks at with great esteem because it has held onto that sentimental value, it has held onto those old

stories, and you can still go down there today and get a feeling of that old flavour that was so good.

One other thing I also know (when I was looking on this map that I currently do have) is that many of those families were fishing families and they were living on the waterside. So they were able to get up first thing in the morning and hit the water and make their living. They were moved inland. They were moved inland. So if anyone thinks that that property where they were before is equivalent to the inland property that they are now on, they are fooling themselves.

The other thing is that, and I have mentioned it in this House many times before (one time in particular before), is that we in Bermuda have benefitted from real estate, the value of real estate. It has allowed many of us to be able to school our kids. When our kids come back and they begin working for themselves and they want to buy another property, it has allowed them the opportunity to use that home to purchase another home.

Now, if you start thinking about what I have just been saying and you start putting a priority to . . . if we give back to many of those the opportunity to buy that land back, we are beginning to restore some opportunities that quite frankly some families today would have missed out on because the value of the land that they are in now is nowhere near what their ancestors were in before. And those are some of the things that I think that as human beings and as fellow brothers in this Island that we need to hone in on. We now need to look at how do we come up with a solution to many of these issues.

So, with that in mind, Mr. Speaker, I will basically close out by saying that our opportunity lies in today. I give kudos to the Member for trying to bring this forward. Again, I do not know whether or not the answer lies with the Governor. I am still not quite sure that that is the answer. We need to deliberate a little more about what is the answer going forward to this dilemma that has been brought forward.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member from constituency 12.

The Chair will now recognise the Honourable Member from constituency 13, Devonshire North Central, MP Glenn Blakeney.

You have the floor.

Mr. Glenn A. Blakeney: Thank you very much, Mr. Speaker, good afternoon.

The Speaker: Good afternoon to you.

Mr. Glenn A. Blakeney: I think I would like to start off commending the Member from constituency 17, the Honourable Walton Brown, for bringing this motion that is never too late to talk about or consider.

I would then like to commend both Members from the area of St. David's, if not by way of being elected Members from there, from having grown up—being born and bred—there. The last Member who just took his seat from constituency 12, the former Premier, I believe it is the first time that he has taken to his feet since not being Premier. I think he made some very salient points on this particular issue from a firsthand perspective as did, I believe, the Member from constituency 4. So it is going to be interesting to see where their hearts lay and if it is juxtaposed with their minds because this is a motion that will be voted on. Hopefully you will not be under the three-line whip and can vote your conscience based on your experience and be real about what it is that you feel in representing the issue.

The issue is an issue that is similar to issues that wars are fought over—land. Right now in the Middle East there is fighting that has been going on since time immemorial. We have in the United States, our closest neighbour, the Native American Indians who enjoyed some form of reparation as a result of being given the opportunity to operate casinos as a way of reciprocating for the wrongs that needed to be fixed.

In this particular situation it is widely known. In some ways by fact, for those that would have evidence, that may be denied but cannot be disacknowledged, and in other cases anecdotal. But it brings to front and centre a very valid concern of those that were disenfranchised by way of a mandatory piece of legislation that enabled people to compulsorily purchase land.

And I think now, as a result of the land being returned to the Government, it is a worthy consideration to favourably consider this particular motion because it is not really asking for anything except to review, identify, and facilitate those that would have been hard done by, who can bring forth a worthy argument to their claim, or the claim that their ancestors would have had had they still been surviving. And since time has elapsed, it does not mean that the principle of doing the right thing should elapse with it. I think this is what this motion is all about. So again, I do commend the Honourable Member Walton Brown—

The Speaker: The Honourable Member from constituency 17.

Mr. Glenn A. Blakeney: —from constituency 17. And I would agree with the Member who just took his seat that there is something that definitely needs to be done. And I think the first start should be the Government aligning itself in a bipartisan way in accepting this motion, and at least considering it on merit for what it is worth, in addressing a very real situation which has yet to be fixed.

Even if it is just an overview and a report comes back stating the wherefores, ifs, buts, whys, so that everyone is clear in their minds on how the country stands on what could have happened that was at the time seen to be appropriate by those who ruled the country but totally inappropriate by those who fell victim to the decision of the compulsory sale or purchase. There is nothing wrong with that. There is nothing at all wrong with that. I think that if we are truly representing the people, being up here as elected Members, we should be taking the concerns of those people to heart and we should be addressing those concerns—even if it is just one person in the community—if they have any validity.

I do believe there is validity to the concerns that have been raised that this motion seeks to address. So I would implore the Government to put aside their partisanship, look squarely at the principle of what is being sought to be achieved by dealing with this particular concern and situation, and join us—the Opposition. Let us put together a committee and let us have a report on what that independent body feels would be an appropriate process to address a very serious concern that has been going on for many, many, many years.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

The Chair now recognises the Honourable Minister of Finance, the Deputy Premier, from constituency 11.

Deputy Premier Richards, you have the floor.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, I would like to move an amendment to this motion please.

The Speaker: Yes, you may.

PROPOSED GOVERNMENT AMENDMENT TO MOTION

[Commission of Inquiry into loss and dispossession of property and recommendations for victims of wrongful action]

Hon. E. T. (Bob) Richards: I move that the motion be amended as follows:

“That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims and explore solutions to these injustices, inclusive of a ‘commission of inquiry.’”

The Speaker: All right. Thank you, Honourable Member.

We have an amendment to the motion—

Mr. Walton Brown: Sorry, can I speak to this?

The Speaker: Just one second, Honourable Member, one second . . . one second.

The amendment says, "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims and explore solutions to these injustices, inclu-sive of a 'commission of inquiry.'"

We have an amendment on the floor from the Honourable Member from constituency 11, the Deputy Premier, which means that we should, indeed, since the amendment has been placed, then the amend-ment is put to the floor of the House.

Yes, yes.

Mr. Walton Brown: Mr. Speaker, Mr. Speaker.

The Speaker: Honourable Member, take your seat for one second please.

Yes?

Mr. Walton Brown: With respect, Mr. Speaker, that motion—that amendment—cannot be allowed under Standing Orders.

The Speaker: It can be allowed . . . a person—

Mr. Walton Brown: Can I speak to this amendment?

The Speaker: Yes, you can.

Mr. Walton Brown: Because Standing Orders say that no amendment to any motion can be so substan-tive in its content that it fundamentally changes the intent of the original motion. This amendment takes it from an actionable decision to a talking shop. And so on Standing Orders alone, Mr. Speaker, this cannot be allowed.

The Speaker: Now, Honourable Member . . . Honour-able Member, I have to say that this is an amendment that I can accept even within the rules of the—

Mr. Walton Brown: It is not within the rules, Mr. Speaker.

The Speaker: —rules of the House.

Mr. Walton Brown: Mr. Speaker, it is not within the rules.

The Speaker: In my view, Honourable Member, in my view—

Mr. Walton Brown: Mr. Speaker, the amendment will bring this House into disrepute to accept that amend-ment. It is in contravention of the Standing Orders.

And if you allow that, Mr. Speaker, you are complicit in bringing this House into disrepute.

The Speaker: Honourable Member, wait, wait . . . Honourable Member—

[Inaudible interjections]

The Speaker: Honourable Member, I think that is not a very good statement for you to make.

Mr. Walton Brown: Mr. Speaker, the rules—

The Speaker: Honourable Member, if you will take your seat for a second please while I just . . . take your seat for a second.

[Pause]

The Speaker: Honourable Members, if you will just sit and wait.

[Pause]

The Speaker: All right. Thank you. Thank you Hon-ourable Members. And Honourable Members, as I see it, the amendment is in order and we can vote on it.

I will allow you to speak one time, Honourable Member.

Mr. Walton Brown: Mr. Speaker, I am going on re-cord, the amendment cannot be allowed. It is a viola-tion of Standing Orders. And if we are going to start violating Standing Orders, we might as well just go home.

The Speaker: Honourable Member—

Mr. Walton Brown: We might as well go home, Mr. Speaker.

The Speaker: Honourable Member, I have made a decision—

Mr. Walton Brown: But the decision is wrong.

The Speaker: Honourable Member!

Mr. Walton Brown: Mr. Speaker, it is an incorrect decision.

The Speaker: Honourable Member, if it is an incorrect decision, then it is an incorrect decision. I have made a decision, Honourable Member—

Mr. Walton Brown: But we are making a mockery of the House.

The Speaker: And I have made a decision based . . . If you will please take your seat.

I have made a decision based on the Standing Orders in that I believe that this is not contrary to the Standing Orders.

Mr. Walton Brown: Can you cite the Standing Order?

The Speaker: Standing Order . . . I am looking at the Standing Orders in terms of amendments, I am looking at it terms of Standing Orders. It does not contravene the Standing Orders.

[Inaudible interjection]

The Speaker: Under Amendments. Under Amendments, Honourable Members, there should be . . . I recognise the Honourable Member Mr. Richards.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, even though the Honourable Member who just protested is not happy, I would like to first of all say that we are most appreciative that he brought this motion—

Mr. Walton Brown: Do not patronise me.

Hon. E. T. (Bob) Richards: —a motion that has now been put to amendment because it is more than just an urban legend in Bermuda about people losing their homes to unscrupulous real estate people, unscrupulous bankers, unscrupulous lawyers. This is not just a myth, Mr. Speaker.

I will give you an example. When I ran for the House of Assembly unsuccessfully in 2003, I ran in [constituency] 24, Warwick South East. And I was canvassing a family on Cobb's Hill Road and the people who came to the door I had never seen before in my life. And they asked me who I was; I told them. The lady of the house told me, *Mr. Richards your father helped me save this property*. So I said, *What do you mean?* She said, *We woke up one day and a real estate agent had a—*

Hon. Marc A. R. Bean: Point of order, Mr. Speaker.

The Speaker: Yes, what is the point of order, Honourable Member?

POINT OF ORDER

[Standing Order 24(7)]

Hon. Marc A. R. Bean: Mr. Speaker, according to the Standing Order 24—

The Speaker: Yes.

Hon. Marc A. R. Bean: —subsection (7), “An amendment must not substantially be a direct negative of the original”—

The Speaker: I don't—

Hon. Marc A. R. Bean: —“proposition . . .”

The Speaker: It is not a direct negative, Honourable Member.

Hon. Marc A. R. Bean: It is a direct negative, Mr. Speaker, in that it goes completely contrary to the spirit of the intended motion.

The Speaker: Honourable Member, I appreciate your position on it and what you feel. I have looked at it, and that is why I said I looked at the amendment and I feel that it is not contrary. I do not see it as a direct negative to the agreement. Thank you.

[Inaudible interjections]

Mr. Walton Brown: Point of clarification.

The Speaker: Yes, of course.

POINT OF CLARIFICATION

Mr. Walton Brown: So the amendment has been tabled. It has not been seconded. At what point are we meant to vote on this bizarre amendment?

The Speaker: We have to . . . first of all, when someone makes an amendment, then we vote on the amendment first, whether the amendment is approved, and if the amendment is approved, we continue the debate on the amendment.

Mr. Walton Brown: Right.

The Speaker: All right. You will speak to the—

Mr. Walton Brown: He is speaking to the amendment.

The Speaker: Yes. And you will speak to the—

Mr. Walton Brown: Despite the sham that it is.

The Speaker: Honourable Member! Thank you.

Mr. Walton Brown: Mr. Speaker, you know—

The Speaker: Thank you, Honourable Member. Please, thank you.

Thank you, Honourable Member.

Thank you.

Yes, carry on.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker. As I was saying, I knocked on this door. The lady of the house came to the door, and when she

found out who I was she told me that my father had saved her property. I asked her how. She told me that a real estate agent, who I will not name but everybody knows this real estate agent (he has passed on now), all of a sudden redrew the map of their property on his own and claimed that the people who lived there and who owned this property for many, many years did not own the property anymore. And they, in fact, hired my father as a lawyer to fight this in court, which he did successfully, and the people were able to retain their property.

So I know this not from a sort of dining room story told by my father, of which there were many, but I actually got this story told to me by a constituent that this happened to.

Hon. Marc A. R. Bean: Point of information, Mr. Speaker, if the—

The Speaker: Yes, would you allow, Honourable Member?

Thank you.

POINT OF INFORMATION

Hon. Marc A. R. Bean: Is the Deputy Premier—the Honourable Member—speaking on the amendment to the motion or to the substantive motion?

The Speaker: I think he should be speaking on the amendment.

Hon. Marc A. R. Bean: Because he should be speaking as to why, giving the rationale as to why they are trying to amend the substantive motion.

The Speaker: Okay. Right. Thank you.

Hon. E. T. (Bob) Richards: I am speaking to why . . . I am speaking to my amendment, Mr. Speaker, which includes the first part of the Member's original motion. That is what I am speaking to.

The Speaker: And I think, Honourable Member, what we should do now is actually vote on the amendment and then—

Hon. E. T. (Bob) Richards: Okay, fine. But let me make some statement on that first, particularly to let the people understand why this amendment has come forward. Okay?

In the original motion, on the last line . . . in the penultimate line it says, "and make recommendations for any victims of wrongful action to receive compensation and justice."

Mr. Speaker, compensation means "money." And my experience and my observation is that there has been some mention by yourself and other Honourable Members that the UK Government might ac-

tually decide to pay some money for these things. My observation and my strongly held view is that the probability of that happening is so close to zero it may as well be zero.

Now—

An Hon. Member: How can you say that?

[Inaudible interjections]

Hon. E. T. (Bob) Richards: The interpolation was "How can I say that?" Because the UK Government does not pay for anything in Bermuda. That is how I know.

The representatives from the United Kingdom in this country are paid for by the people of Bermuda. All of their operations are paid for by the people of Bermuda. Do you think that they are going to pay for this?

[Inaudible interjections]

Hon. E. T. (Bob) Richards: The probability is close to zero.

So, Mr. Speaker, my view and the view of the Government, is that any matter that will be or potentially will be a call on the treasury of this Government has to be a matter that comes from the Government. It has to be a matter that is decided by the Cabinet. So that is the reason for the amendment to this motion.

The Speaker: All right. Well, thank you. Thank you, thank you very much, Honourable Member.

So we have the amendment and the amendment as it reads. And all of those in favour of the amendment—

Mr. E. David Burt: Point of order, Mr. Speaker.

The Speaker: Yes?

POINT OF ORDER

Mr. E. David Burt: Point of order. We have to debate the amendment, Mr. Speaker.

The Speaker: Sorry?

Mr. E. David Burt: We have to debate the amendment.

The Speaker: We have to first of all decide whether the amendment is approved, and then—

Mr. E. David Burt: No, we have to debate before—

The Speaker: —and then—

Mr. E. David Burt: Mr. Speaker, point of order.

We must debate before we vote on the amendment. Members have the opportunity to speak to the amendment that has been tabled.

The Speaker: Yes, absolutely. But we have to first of all agree that the . . . the House has to agree that the amendment will be discussed.

Mr. E. David Burt: It will be discussed—

The Speaker: Yes.

Mr. E. David Burt: —we are not voting on the amendment?

The Speaker: No, no. We are voting on . . . yes, we are voting on the fact that the amendment came too.

[Inaudible interjections]

The Speaker: The Honourable Member has made an—Honourable Members, please be quiet. The Honourable Member has made an amendment. When an amendment comes—

[Inaudible interjection]

The Speaker: What happened is he has proposed an amendment and so we have to . . . the House has to agree that the amendment is approved to be able to be discussed on. All right?

Mr. E. David Burt: Point of order.

The Speaker: Yes, that is correct Honourable Member.

Mr. E. David Burt: Mr. Speaker, I am not saying that you are incorrect; I do not understand what you are saying.

The Speaker: Oh!

Mr. E. David Burt: Because my understanding is that an amendment is put forward, we discuss the amendment, debate the amendment, and then vote whether to approve or disapprove the amendment. You are saying that—

The Speaker: Yes, we do.

Mr. E. David Burt: What are we voting on right now then?

The Speaker: What we will do, Honourable Member . . . let me just say it. The amendment comes, we hear the amendment. First of all, we approve whether we go ahead with the amendment. All right? So in other words, we vote on discussing the amendment and

then at the end of it, all right, right at the end, then we will vote on whether it is accepted or not.

We are voting, first of all, to decide that we will discuss the amendment.

Mr. Walton Brown: Mr. Speaker, my understanding of the rules, and obviously I would be guided by you, but I thought you proposed an amendment, it has to be seconded—

The Speaker: Yes. And then we speak on it. We will speak on it—

Mr. Walton Brown: And then we speak on it and have one vote whether to accept it or not.

The Speaker: Whether to accept it or not.

Mr. Walton Brown: We do not vote twice.

The Speaker: Right.

So I am going to, Honourable Member Richards you have the floor now to discuss the amendment.

Hon. E. T. (Bob) Richards: Thank you very much, Mr. Speaker.

I will not prolong this matter. I think I have made the point clear insofar as any monetary outcome of this matter. And I just reiterate that any monetary outcome from this matter . . . the probability, the likelihood of it coming to be a call on the public purse, in my view, is over 99 per cent—over 99 per cent. Her Majesty's Government has not paid for anything to do with Bermuda since the end of World War II. So all of a sudden for somebody to think that somehow this is going to be different, they are in some sort of alternate universe.

Such matters have to be discussed by Members of the Government, specifically the Cabinet of Bermuda, and then by the governing party in general. So until that happens . . . and that is the normal way that anything to do with money comes forward. And that is the reason why we have made this amendment insofar as, quite frankly, what I think is the real substance—even though the Honourable Member who brought it forward now wants to complain. The real substance we are very, very sympathetic with, and everybody on this side has spoken such.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: Everybody has spoken . . . people who have spoken have spoken with great sympathy and empathy with what I feel is the real substance of this motion—to recognise that these things have taken place in the past.

As my honourable colleague the Attorney General talked about, some of it has to do with military activities. But I think the Honourable Member who

brought the original motion was more specifically talking about the nefarious activities by members of the Bermudian community as opposed to the UK or the US or Canada. We are not talking about those guys. You know, people lost property in Bermuda because we had to fight a war. All right? I think that is well understood. But it is the other activities—the activities for personal gain by unscrupulous operators—that I think the Honourable Member was getting at and got it well when he made his presentation. All right? I think that we support that over here.

We support that over here, but we are not going to go to the extent where we are going to commit or potentially commit the public purse, because there is a process for that and we cannot sort of hide behind the possibility that Her Majesty's Government is somehow going to pink up with some money. We know that is not true; it is just not going to happen. It is not going to happen.

So without going into that any further, as I said, the anecdote that I gave is a personal experience which happened to me which, to me, was proof that I know that many of these things happened. Unfortunately, there are a lot of these things that happened. The people who perpetrated them are probably all dead and a lot of the people to whom it happened directly may all be dead too.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: But notwithstanding that it does not . . . it does not . . . you know, it does not negate the issue. And that is what we feel over on this side.

So we have great sympathy with the main thrust of the motion, we just cannot, or potentially, commit the treasury.

Thank you.

The Speaker: All right. Thank you, Honourable Member.

And the Chair will recognise the Honourable Member from constituency 17 who will be able to respond to the amendment.

Mr. Walton Brown: To the amendment.

Mr. Speaker, a few weeks ago this House approved a recommendation from the Select Committee on Elections. One of those recommendations was to establish an Electoral Commission—a clear financial implications, accepted by all sides.

If the Government wishes to express sympathy to those who have been victims of nefarious acts, then they should know that the victims and their descendants are looking for a lot more than just sympathy. They are looking for justice.

Mr. Speaker—

[Inaudible interjections]

The Speaker: Honourable Members, I am going to remind Members . . . and the debate has been going very well today. And while we may have differences and I appreciate that . . . I appreciate that particularly on issues like this, but, Honourable Members, I am going to ask Members to please refrain from interrupting what is going on.

Yes, carry on.

Mr. Walton Brown: Mr. Speaker, the interjection was, *Why didn't the PLP do the job in its 14 years of tenure?*

An Hon. Member: Who said that?

Mr. Walton Brown: Mr. Speaker, that comment has been thrown about for the last 14 months or longer. At some point it has to stop. At some point the Government actually has to take responsibility to lead and act on issues. And so if all we are going to hear is the response of, *Why didn't you do it?* Then—

The Speaker: Just a minute.

Honourable Member, take your seat a minute while we settle down . . . while we settle down and start thinking about what it is that we are doing.

And, please, I am asking Members to keep focused.

Mr. Walton Brown: And so if that is all we are going to hear in terms of a substantive contribution to an historic debate, then I have some seven and eight year olds the Members can go and play with because those are childish tactics. And I would expect Ministers of Government to be a lot more responsible in how they articulate their views on such issues.

Mr. Speaker, the Honourable Deputy Premier dismissed the notion that the United Kingdom Government could be persuaded to accept some responsibility on an issue that they have some culpability in. You know, it is unfortunate that there are some of us in this Chamber who look at things as they are and expect they will always be. The challenge of leadership is to look at existing circumstances and say, *Let's try and work things a different way.*

This is an issue of fundamental importance that transcends many years on this Island. So why not consider approaching the Governor to approach his boss to act responsibly? The United Kingdom Government has been free with its money all around the overseas territories as it expands its control, taking over countries, setting up this or that organisation. You know, the British Government were silent during every single major period of challenge to the status quo in this country. At the very minimum, I am hoping the Government will say perhaps we can persuade the UK Government to act responsibly now because they have been acting irresponsibly. Put up some

money. They gave away the land to the Americans as a gift. Everybody else got some compensation or the UK got destroyers from the United States.

[Inaudible interjection]

Mr. Walton Brown: Juvenile behaviour.

The UK Government got destroyers to wage war in World War II. The Bermuda land was given away as a gift, as a gesture of friendship. Surely the UK Government can be held responsible to undertake the cost of this if need be . . . if need be, Mr. Speaker.

But the Government should recognise because the Members already say they recognise there has been a long historic injustice. So why would the Government not consider underwriting this? Maybe give one less tax concession to a hotel and use some of that money to fund this quest for justice.

Mr. Speaker, this is not necessarily a financial undertaking for this Government because this motion is calling on the Government, on Parliament as Government in its totality, to call for the Governor to establish such a commission. It is the Governor's responsibility. He does not answer to you. The Governor has statutory power under the Commission of Inquiry Act 1935. Let that issue be settled after we take a position here. If you are so empathetic and sympathetic, support the motion in the full extent of it. Do not water it down to a take note motion.

[Inaudible interjection]

Mr. Walton Brown: It is not already a take note motion. Read the motion carefully, Honourable Member. It is to call for the Governor to establish a commission of inquiry.

[Inaudible interjection]

Mr. Walton Brown: A take note motion . . . I do not want to just come here and run my mouth about issues. We have an obligation to act. Let us try to act. Everybody can get up and talk for 30 minutes, but let us do something. Let us try to move forward to address those historic imbalances and injustices.

So, Mr. Speaker, I stand by my position, my interpretation, that this is a fundamental violation of Standing Orders. People can suck their teeth like little children all they want to, Mr. Speaker—

The Speaker: That is all right, Honourable Member, you have a right to your opinion.

Mr. Walton Brown: But you cannot amend a motion to such an extent that you eliminate its primary purpose. It is inappropriate. Erskine May will be shaken permanently in his grave if he hears such a thing brought before this House today, Mr. Speaker.

So, Mr. Speaker, I encourage you to reflect once again. But if . . . if your ruling is going to stand as you say it will stand, I expect one thing to take place before any vote. First of all, I expect people to vote on conscience, probably a bad expectation, but that is what I expect. Secondly, part of my delivery identified one entity by name that, based on the law, is in violation of the law because that entity—the Mid Ocean Club—did not have its sales of property approved by Parliament.

[Inaudible interjections]

Mr. Walton Brown: It is very clear. And because of that, Mr. Speaker, because it names the Mid Ocean Club—and I identified it in my presentation—I would expect that every Member of this House who is also a member of Mid Ocean Club would recuse themselves from any vote on this matter.

[Inaudible interjections]

Mr. Walton Brown: And I invite every Member now to declare their interest in the Mid Ocean Club because you have no authority to vote on this matter.

[Desk thumping]

Mr. Walton Brown: They have no authority to vote, Mr. Speaker. So if they do not do the honourable thing and express their conflict and recuse themselves, I would encourage the Speaker to ensure that appropriate parliamentary practice is in place.

Thank you.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Sandys North, the Learned Member, MP Scott.

Hon. Michael J. Scott: Mr. Speaker, I would like to stand very briefly and support the objection taken to the motion proposed by the Minister of Finance.

When I first read the Honourable Member from Devonshire's motion, it seemed . . . it seemed reasonable. But having heard the Honourable Member from [constituency] 17, his last analysis was very clear. It does substantially change the import or outcome and intent of his motion, which, Mr. Speaker, it ended on the Order Paper because your noble self approved it to be up there. And then when there was early objection from the Learned Attorney General this morning, you sustained your approval and position in this matter that the motion did not in its expressed words implicate the Consolidated Fund. And I think it is somewhat didactic of the Minister of Finance to declare to all and sundry and everyone in this House that your views on this matter count for nothing.

My friend from constituency 17 is right. It is a motion that is making and urging His Excellency to operate under the powers of the 1945 —

[Inaudible interjection]

Hon. Michael J. Scott: —the 1935 Act. All of these things seem quite reasonable.

And here is another weakness in the Honourable Member's (from Devonshire [constituency 11]) amendment. Giving the argument that it may impact the Consolidated Fund . . . this really is a very technical objection that is raised by the Minister of Finance. And it is highly technical.

I do not know how much commissions of inquiry cost, but given it was in the mouth of the Minister of Finance and Members of the Government who have thus far spoken to support the spirit and intentment of this motion, it is highly technical and irregular to say because there is an argument to be made that a cost of a commission of inquiry may—*may*—be at the cheque being written by the Government that we are therefore going to destroy the substance of this amendment does not seem right or fair. And it is also contrary to the fact that Members on the Government side are speaking and support the spirit and intentment of this motion and its content.

So I rise in support of the Member for constituency 17.

The Speaker: All right. Thank you.

The Chair now recognises the Honourable Member from constituency 18, Pembroke West Central, MP David Burt.

You have the floor.

Mr. E. David Burt: Thank you very much, Mr. Speaker.

Mr. Speaker, we are right now debating this amendment that the Honourable Deputy Premier has put forward and his amendment reads as follows (to substitute the existing wording of the motion that we are discussing and to insert the following language): "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims"—which is the exact same as the beginning of our motion, of the Opposition's motion, brought by the Honourable Member from constituency 17.

However, it then goes on to say, as opposed to *AND THEREFORE be it resolved*, as our motion says, it then goes on to say "and explore solutions to these injustices, inclusive of a commission of inquiry."

Now, Mr. Speaker, this is, as the Honourable Member from constituency 17 said, nothing but to water down the motion to make it a talking shop. But here is the question that I would ask, Mr. Speaker: Who are we asking to explore solutions to these injus-

tices inclusive of a commission of inquiry? Is that just today? Are we setting up a committee to do this? Is the Cabinet expected to do that? Who is going to do that? It has to . . . we cannot have a motion that is actually going to have some action on this point if we are not going to resolve that a certain action takes place.

So all the Government right is doing now . . . because the Honourable Deputy Premier who got up and gave this motion said that what we are speaking about in this motion is not urban legend. So he is, in fact, admitting that there are individuals and citizens in this country who have lost their property through theft, dispossession and adverse possession. So what does the Government intend to do?

On this side we have brought forth a motion to set up a commission of inquiry and to call on the Governor to set up a commission of inquiry. What does the Government intend? If the Honourable Deputy Premier who brought forward this motion in the first place—sorry—who brought forward this *amendment* in the first place does not support a commission of inquiry, such as he said, then why is a commission of inquiry in this amendment? Is it just to give the illusion that the Government may want to support the commission of inquiry so that we can get away from this?

Mr. Speaker, we have heard Members from the other side get up and speak about how they have been affected and people they know have been affected by the situation. It is something that, yes, could have been brought before, but is being brought today.

What we must ask is: Why would the Government attempt to stop a commission of inquiry into looking at these actions, Mr. Speaker? Because there can be no other explanation than that they do not want the commission of inquiry to happen. And if they do not want the commission of inquiry to happen, Mr. Speaker, then why on earth would they insert it into this language? You know, just a take note . . . just a little thing to throw over the side, just a little bait here. Take this and go with it.

No, Mr. Speaker, that is not the way that it should work. It must be that we resolve to do something in this House about this issue. Voting for this amendment that has been placed forward basically says to those persons who may have been dispossessed, for those persons who may have been affected by this problem, *We do not care about you. We hear what you are saying, but we are not going to do anything about it. That is the past. We do not have the power to examine the issue.*

The fact is, Mr. Speaker, if we are going to have the Honourable Deputy Premier say this is not urban legend then, clearly, it is something that deserves to be looked at. I have heard stories, Mr. Speaker, and to me it is urban legend. But for the Deputy Premier to say it is not means that there is substance behind these claims. To hear the Honourable Member who gave the original presentation

means there is actual substance behind this claim. If there are unlawful property transactions that took place then surely, surely it is the duty of us in this House to do our best to make sure that we investigate the matter fully.

So I would urge the Members on that side . . . I would first urge the Honourable Deputy Premier to withdraw his motion and to go forward with the commission of inquiry so that we can actually see what has happened and the country can know the truth—so we do not have to hear about urban legends, so we do not have to hear about stories, so we can move forward from this chapter and see exactly what may come of it, Mr. Speaker. And I think that is the most important thing that we can do, because as we had the Truth and Reconciliation Commission in other countries, Mr. Speaker, if you want to find out what the problem was you have to have the courage to look into it. And it may be uncomfortable, it may not make everyone happy, people may not like the results; but if it is what is right and what is just then it is what our responsibility is to do in here, in Parliament.

This amendment, Mr. Speaker, is to tell those persons who may have been affected that we are not going to do anything about it—*We hear you but we do not care*. And I think that we must turn down this amendment, Mr. Speaker.

Thank you.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member from Southampton East, MP Zane De Silva.

You have the floor.

Hon. Zane J. S. De Silva: Thank you, Mr. Speaker.

Mr. Speaker, I, like my colleagues on this side, agree that this amendment should be withdrawn.

Mr. Speaker, outside of the Standing Orders and the decision you have made, we have heard from the Learned and Honourable Attorney General on that side say earlier that he knows of many cases of allegations. The Attorney General said that. The Honourable Member from St. George's, [constituency] 4—

The Speaker: Constituency 4.

Hon. Zane J. S. De Silva: From constituency 4, constituency 12 . . . constituency 4?

[Inaudible interjections]

Hon. Zane J. S. De Silva: Well, [constituency] 12 said it too, [constituencies] 12 and 4, because they both had similar stories about the East End.

Mr. Speaker, my point is this . . . and I think it was very articulately outlined by Honourable Member from [constituency] 15, the Honourable Member Burt—

[Inaudible interjections]

Hon. Zane J. S. De Silva: [Constituency] 17 . . . 18?

[Inaudible interjections]

Hon. Zane J. S. De Silva: But, Mr. Speaker, I am sure everybody heard the Honourable Member Burt speak. And as we have said on this side, Mr. Speaker, I am sorry, I am very sorry, for us to have spent several hours debating and listening to Members on this side and to Members of the Government state their support, their sympathetic support for those that may have been unjustly . . . had land taken away from them. And if you read the words of the Honourable MP Brown's motion, Mr. Speaker, why . . . why the change? Why the water down?

This, Mr. Speaker, reminds me of just a couple of weeks ago when we asked the OBA Government to put the PRC immigration loophole on hold—on hold for the people of this country. And they turned that down. It seems to me when it comes to the people of this country, Mr. Speaker, the OBA . . . they cannot find their way. We see unsympathetic legislation and suggestions from the OBA week after week. You can do things . . . we can disagree on some things, Mr. Speaker, but it seems there is a very bad pattern developing . . . a very bad pattern when it concerns the people of this country.

We are not saying, *Look, go to the Consolidated Fund, pull out \$30 million and start distributing it around the countryside*. We are saying for us to take action as outlined by this motion by our colleague on this side.

Mr. Speaker, I strongly disagree with this amendment to this motion and I hope . . . I hope the Honourable Deputy Premier . . . I would like to see the Premier ask his Deputy to withdraw this motion on behalf of the people of this country.

The Speaker: All right. Thank you.

The Chair will recognise the Honourable Member from Devonshire North Central, MP Glenn Blakeney, constituency 13.

You have the floor.

Mr. Glenn A. Blakeney: Thank you, Mr. Speaker.

You know, from the Government, oftentimes on the real tough, tough situations we get sympathetic, empathetic words and unsympathetic action—or no action.

Now this is something that is really not contentious when you look at the principle of what is intended. There need be no amendment at all. We need to give the Governor something to do other than ceremonial pomp and circumstance.

The other thing which really, really gets under my skin, is that on these tough situations the brave and the courageous in the Government are far and

few between. They sit on their backbenches [and] on their frontbenches. They nominate one person to speak to a tough issue and they stay silent and are conspicuously absent in this House by their silence. Who are they representing?

Are you speaking to your people who expect you to weigh in on the tough decisions in the interests of the greater good of the entire country? Or are you like sheep, as often as you would call us the Kool Aid drinkers? Where are you? Where are you Government—proper—of Bermuda? Outside of a lead Minister who would stand up and articulate a collective point of view, where is your individual conscience on the important top issues?

I look at the Honourable Member from constituency . . . the Honourable Member Atherden—she is a lady of integrity—of constituency 19. I would love—

The Speaker: The Minister, the Minister of Health.

Mr. Glenn A. Blakeney: I would love to hear from that Honourable Member on these kinds of issues because she brings measure, she brings balance, and she brings conviction most times to her arguments. I may not agree all the time. The Honourable Minister on the front bench from constituency—

The Speaker: Just the Minister, when you talk to a Minister you just—

Mr. Glenn A. Blakeney: —the Minister, Minister Pamplin—

The Speaker: Minister of Public Works.

Mr. Glenn A. Blakeney: She gets it wrong a lot of times, but she is woman enough to own up and apologise and whatever. But for the most part when she comes with an argument that she really stands on principle by, she really articulates and advocates to a strong degree. I just want to hear.

The Backbencher—we do not hear from him very often, but at times he makes a valuable contribution—the Honourable Member from, I believe, Warwick—

[Inaudible interjection]

Mr. Glenn A. Blakeney: Yes, constituency 28. Let me hear from you. You feel the people. You are kind of a people person.

The Honourable Premier (and I will end on that I am not going to go with everyone)—the current Premier—is a substantial (from my understanding) property owner. He must have feeling in his conscience how he would feel if he were to be victimised like those who claim that they have had their holdings stolen. Well, even if it was hypothetical and he articu-

lated from the perspective of someone feeling like that how he would feel in having it addressed by a responsible, collective body of 36 people saying, *Yes, Governor—your Excellency—do your job. Appoint a committee of inquiry and let us all hear objectively how this thing should be approached and what processes should be considered and the potential resolutions that could be considered.* And then come back to this Honourable House to pass through a democratic legislative process for the people and the goodwill and the good conscience of the entire country.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member from Pembroke East, MP Roban, from constituency 15.

Mr. Walter H. Roban: Thank you, Mr. Speaker.

I spoke to the substantive amendment, so my comment is on record. But there is something that I find quite interesting here. It does seem as if this Government seems to be hell-bent on riding the road that puts them on the wrong side of history on a number of different things.

I am not going to get into the other things that they have already (over a number of months) proven that they are definitely on the wrong side of history on. But this seems to be another opportunity they are taking to drive their car off the cliff of irrelevancy and to put themselves in a position where they are not on the side of the aspirations, the feelings, and the hopes of the people of Bermuda.

Now, I look at this amendment, Mr. Speaker, and to me it irreparably changes the content and quality of the original amendment. It not only does that, but it does retain certain qualities of the original amendment. But I have not heard the Honourable Member who tabled the amendment make clear as to what other mechanisms they will aspire to put in place . . . perhaps not taking on the qualities of a commission of inquiry, which they argued makes an implication on the Treasury. And the original amendment presumes to make an implication on the Treasury, but they still have the commission of inquiry here which can only be, as I understand, convened under the 1935 Act.

So if their fears exist with the commission of inquiry, why have they retained it in here? But they have not, in their own arguments, put forth alternatives that might still bring about the process of which the original amendment intends or aspires to do. This does not . . . and certainly the utterances of the Honourable Member of constituency 11 said nothing to that effect.

The Honourable Member talked about being sympathetic and even giving credence to what had transpired in the community around these issues. He gave credibility to it. And he gave credibility to the motion that has been brought here that has evidenced

such. But it just seems very interesting, I mean, outside of some of the childish utterances we heard from the other side saying how we did not do it . . . well, you know, no matter when justice is done, justice should be done.

There is no blame. We are not seeking to blame the OBA for this circumstance, and certainly no inquiry would implicate them in any way.

This is not a partisan issue, Mr. Speaker. It is an issue of circumstance, of history, of injustice that we would like to give clarity to. And who knows, perhaps there will be no way to appropriately compensate anyone around this issue, Mr. Speaker. Maybe it will just be an ability based on what the first amendment, the motion, provides—to give clarity on how we will manage these issues going forward.

Perhaps a fully instituted land registry will help, and other mechanisms that we can bring forward to perhaps ensure that in the future such things do not happen again. And despite the fact that some people think that this is in the far past, we still have issues of land that are still presented to us right now.

So I would just say, before I take my seat, that this Government needs to put their car in a different gear and try and take the road that will put them on the right side of history, instead of taking the continuous byway which constantly puts them at odds with the aspirations of the general community.

I do not see how in any way the public will find difficulty with some resources being put to use that will look to find clarity around issues that continue, Mr. Speaker, to bring great emotional distress to many people. There are people in this House who are descendants of people who had their land taken, and still feel to this day it was unfairly done, who sit in this Chamber. We are not talking about people who are long gone. The emotional damage for these actions still exists with us today.

So how can we deal with this amendment where it almost pushes those things aside? That is what this amendment does. It basically means that we are just going to take notes; we are just going to talk about it, when we have the capacity in this House to do something about it and bring at least some clarity to some of the actions that took place around the lives of many Bermudians. Give them an opportunity to come forth and say, *This is what happened to my family*. A properly embodied commission could say, *Well, we have looked at it and that is not actually what happened*, or whatever, and give them clarity. Right? Or give proper credibility to what did happen so that everybody understands and some level of equity and justice can be found for families and for individuals who to this day are suffering generational damage and trauma because of something that happened which has changed their family life forever and still affects them today.

So, Mr. Speaker, I ask for the Honourable Government and for the proposer of this amendment

to try and put this Government on the right side of history and withdraw it.

Thank you.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister of Public Works.

Minister Gordon-Pamplin, you have the floor.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, it appears to me that the Opposition in bringing their motion—and we applaud the Honourable Member for so doing—now finds themselves on the horns of a dilemma because they brought a motion thinking that this is going to be something that is really emotive and that there is going to be some way to drive down that path and keep the wedge between us wider and wider, and then to find that—

Mr. Walter H. Roban: Point of order.

Hon. Patricia J. Gordon-Pamplin: —Members on this side—

[Inaudible interjections]

The Speaker: Honourable Member, just one second, please.

Yes, Honourable Member. Honourable Member?

[Gavel]

The Speaker: Honourable Leader of the Opposition, please.

[Crosstalk]

The Speaker: Yes. The Chair recognises the Honourable Member from constituency 15, Pembroke East.

You have the floor.

POINT OF ORDER

Mr. Walter H. Roban: Whether knowingly or unknowingly the Honourable Member is impugning the intentions of the Honourable Member who proposed this amendment. He made it very clear, Mr. Speaker, of his purpose for bringing it.—

The Speaker: All right.

Mr. Walter H. Roban: It was in no way to bring any partisan divide into this House.

The Speaker: All right. Thank you.

Mr. Walter H. Roban: Of which she is suggesting that he has done.

The Speaker: All right. Thank you, Honourable Member.

Carry on, please.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, as I said, Members on this side have alluded to our concerns. We have spoken to the injustices that have happened, and we want to see a resolution. When this amendment came, or when the original motion came, if the Honourable Member with all of the research that had been done had been able to come to this Honourable House and say that, *As part of my research on this particular dissertation, I have actually done some background checking to see whether there is any possibility that the UK Government would be able to fund any outcome of this compensation that is being called for in the original motion*, and that if we knew that that was a possibility, then I can say we could have supported the motion unchanged.

What has happened, though, is that somehow we are looking at how we can spend UK money when we do not have the right to do that. We cannot say that the UK is going to underwrite the results of whatever may come of this inquiry, that it is not going to come out of the Consolidated Fund from us it is going to come out of the UK, the UK will pay for it. We cannot make that assumption without having made some underlying investigation to find out whether that is possible.

My belief is that if we send this up to Government House, Mr. Speaker, the Governor is going to send it back down to us to say *find a resolution* . . . find a resolution.

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I think that we can actually circumvent that entire farce of saying send it up there to have them send it down here. What this amendment says is that we look at exploring solutions. So instead of standing here today and just saying why we ought to withdraw the amendment, we have lost an opportunity to start to explore those solutions.

And if we are speaking to that amendment, Mr. Speaker, we can speak to issues of whether we should perhaps in this process set up a bipartisan committee to explore the solutions. That would be one solution that would come out of this amended motion. That is something that could come out of it. That is one solution. That is one solution to explore the injustices.

Mr. Speaker, something else. What we do not want to end up doing is finding ourselves jerking about with people's emotions. Because if we are saying on the one hand that we want to see something done, and there is not one person in this Honourable House who does not want to see injustices put right—nobody wants to see injustices left languishing—nobody wants to see that, Mr. Speaker. We all want to ensure that injustices are rectified. But in so doing we can find a way collectively, if we are really interested in that, if we are not just interested in scoring brownie points, we can find the solutions to which have been referred to in this amendment.

Mr. Speaker, as Members spoke earlier, everybody knows somebody who has been dispossessed in some way, shape or form, I believe. I believe there have been instances in which judgments have been handed down, Mr. Speaker. I can speak to one in particular of which I was made aware, or that I know of, in which a judge decided on a divorce case that one party should have two-thirds of a property, the other party had the one-third, when the party getting the two-thirds effectively put nothing in but the party who was going to get the one-third had more substance and would therefore be able to have better access.

And when one looks at situations like that, Mr. Speaker, things that are handed down by the courts, things to which the Honourable Attorney General alluded very recently in which squatter's rights had taken priority over titled deeds, and the squatters were given the opportunity to now claim possession of that property. These are the kinds of things that have happened over time that we have seen and that we may take exception to.

So how do we get over and how do we make sure that those situations are done in an effective way that is not going to impact initially—and I say initially—on the Consolidated Fund, because there is no money there to do so. But ultimately it might be that the Consolidated Fund somewhere down the road may have to Pink up in order to ensure that justice is not just done, but seen to be done.

We can discuss how we can come up with these recommendations and solutions that are substantive, as opposed to just trying to say why this amendment ought not to go through. And I think that if we start to put our heads together we can find the ultimate solutions for these problems, Mr. Speaker. I think that is what we want. I do not think we want to be here at variance with each other. I do not honestly believe that we want a situation to continue to obtain that we know was incorrect, that we know was wrong, where we know that injustice was done and that we want to leave it. That is not what we are here for.

I believe that we each want to represent those in our constituencies who have expressed those concerns of adverse possession. But we want to do it appropriately, Mr. Speaker. We want to do it not giving somebody hope by saying that we have done some-

thing today, we have passed it, we have sent it up the hill and that the UK are going to pay for it—because that is the argument that we have heard—when there has been nothing that would indicate that that is going to be the case.

So I would suggest that we look at something from within, that we look at how we can—

Mr. Glenn A. Blakeney: Point of order, Mr.—

Hon. Patricia J. Gordon-Pamplin: —sort out.

Mr. Glenn A. Blakeney: Mr. Speaker.

The Speaker: Honourable Member, just a second.

The Chair now recognises the Honourable Member from—

Mr. Glenn A. Blakeney: I believe the . . . the—

The Speaker: Just a second.

The Chair now recognises the Honourable Member from constituency 13, MP Blakeney.

Mr. Glenn A. Blakeney: Thank you.

The Speaker: Yes, you have a point of order?

POINT OF ORDER

[Misleading]

Mr. Glenn A. Blakeney: I think the Member is inadvertently misleading the House. There was never anyone that suggested that the UK would pay for it. We do not know.

The Speaker: All right. Okay.

Mr. Glenn A. Blakeney: We do not know.

The Speaker: All right. Thank you, thank you.

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I was speaking to the information that was presented by the Honourable Member from constituency 17 who said that in making this request to the Governor a case could be made for the UK paying for these costs. And that is what I am saying.

We cannot make any assumption; we cannot have people hanging onto a hope that perhaps we can make a case for the UK paying for it when none of us has done any exploratory work to say that that is even a vague remote possibility. And the one thing that I would not want us to do is to give people false hope, because I can tell you that those people who have already found themselves on the short end of dispossession and/or adverse possession or theft . . . those people who have found themselves on the short end of that equation, Mr. Speaker, do not need plati-

tudes. They need something that they can hold on to that is substantive that says how they can recover their property, not to come here today and let people believe that maybe there is some kind of hope that the UK are going to Pink up.

So let us look at how we can work together. Let us stop this nonsense of fighting, fighting, fighting—I don't agree with this. I don't agree with that—once the motion—

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: Once the . . . once the amendment was put, not one person has spoken to solutions, exploring solutions. And that is what the amendment says. That is what the amendment says.

Mr. Speaker, I would like to offer one of those solutions as being a committee of the House or a bipartisan committee, or whatever—the same way Honourable Members were able to find that it was appropriate to put a bipartisan committee together to do things that looked at election reform and other things of that nature—we can do things like this. We can come up with a report, Mr. Speaker.

Mr. Walton Brown: Point of clarification.

Hon. Patricia J. Gordon-Pamplin: We can do these things in this Honourable House.

The Speaker: Yes. Honourable Member.

POINT OF CLARIFICATION

Mr. Walton Brown: If the Member will yield for a point of clarification, the reason why a select committee or a joint select committee was not proposed was precisely to take any Bermuda direct involvement out of the picture because of the potential of either conflicts, or of knowledge about particular cases. That is why we call for, in the original motion, a head of a commission of inquiry, to have no connection whatsoever. That was the reason why we did not go for the joint select committee.

The Speaker: All right. Thank you, Honourable Member.

Hon. Patricia J. Gordon-Pamplin: And I will say, Mr. Speaker, in furtherance of that comment that even in looking at solutions including it says “of a Commission of Inquiry.” That commission of inquiry can have the same terms and conditions, the same terms of reference. So I am not saying that we are really at variance on that particular point, and I appreciate the Honourable Member's comment.

With that said, Mr. Speaker, I would support this because I believe that there is a better way and I do not believe that it is fair to have people reaching for

pie in the sky thinking that the UK are going to pay for something that may end up being our responsibility.

Thank you, Mr. Speaker.

The Speaker: Thank you.

The Chair now recognises the Honourable Member from Warwick, the Honourable Member from Warwick South East, constituency 24, MP Lawrence Scott.

You have the floor.

Mr. W. Lawrence Scott: Thank you, Mr. Speaker.

Listening to the Honourable Minister that just took her seat, with all due respect, it sounds as though she is trying to wait for a perfect time for us to then bring this type of motion to the House. It reminds me of a nursery rhyme back in primary school, and with your indulgence, it is basically called “For Want of a Nail”:

*For want of a nail the shoe was lost.
For want of a shoe the horse was lost.
For want of a horse the rider was lost.
For want of a rider the message was lost.
For want of a message the battle was lost.
And want of the battle the kingdom was lost.
And all for the want of a horseshoe nail.*

What I am bringing to light is that she, the Honourable Minister, says that we cannot do this because we did not think of that or there is one little instance that we should not do. And one thing that I noticed that the Honourable Minister kept saying was that we cannot give the people hope.

Now, Mr. Speaker, my understanding is that a Government—

Hon. Patricia J. Gordon-Pamplin: Point of order, Mr. Speaker.

The Speaker: Point of order, Minister.

POINT OF ORDER

[Misleading]

Hon. Patricia J. Gordon-Pamplin: The Honourable Member, I believe inadvertently, is misleading the House because I did not say we could not give people hope. I said we should not be offering *false* hope.

The Speaker: All right. Thank you.

Hon. Patricia J. Gordon-Pamplin: And that is a distinct difference.

The Speaker: Thank you. Thank you, Honourable Member.

Mr. W. Lawrence Scott: All right. Thank you, Mr. Speaker.

The Speaker: Go ahead.

Mr. W. Lawrence Scott: So the thing is, Mr. Speaker, it seems as though there is never going . . . no Bill, no piece of legislation that we have passed in this House has ever been perfect. If there were such a thing as perfect Bills there would be no such things as amendments.

Mr. Speaker, I believe that this is what . . . this amendment, or the original motion as proposed by the Honourable Member from [constituency] 17, I think, shows that this House, this Chamber, is about action. It is about taking the bull by the horns. We have looked at all of the idiosyncrasies, we have taken the local view out of it, we have taken personal reflection out of it, and therefore we are proposing something that can give the people hope—and not false hope.

Now it says the possibility of . . . it just says here “where possible, the viability of any such claims” and so on and so forth. That does not mean that people are guaranteed to get something. Nobody says [anything] like that. And, Mr. Speaker, what I want to bring the people’s attention to is the reason why we are here, Mr. Speaker. And I think that this original motion speaks to it.

If you look at the Sergeant-at-Arms, he wears it on his lapel. The Honourable Member that went to Westminster with me, the Honourable Sylvan Richards, actually pointed this out to me. It is called the portcullis. The portcullis is a symbol of Parliament, Mr. Speaker. And what it is basically is a picture of the gate that they used in medieval times, and they would say, *Close the gates*, and they would close the gates, which protected the people from injury, which protected the people from invasion. So that means that the symbol of Parliament, the portcullis, is about protecting the people.

Mr. Speaker, that is the intent of this motion. This motion is about protecting the people, ensuring that this kind of procedure, this kind of practice, does not happen to anybody else. So for me, Mr. Speaker, the one thing that I wanted to say when they start talking about, *Oh, it’s going to cost too much. This is going to cost too much*, [is that] it sounds like this Government is saying that justice is just too expensive. Mr. Speaker, I think that any right-thinking Bermudian would have no problem with this Government, with this country, overspending in the interest of proper and [equal justice] and the delivery of that equal justice.

Mr. Speaker, it has been mentioned that equal justice and equal rights are human rights. So, therefore, can one say that this Government is looking to somehow find a way to infringe on the proper human rights—the rights and the privileges that all of us are welcome to enjoy? And, Mr. Speaker, then when it talks about justice for all . . . and I will keep it very brief. I am just going to end on a saying by Malcolm X

where he said “I am for truth, no matter who tells it. I am for justice, no matter who it is for or against.”

This justice is for the people and this justice goes against those that preyed upon the . . . and part of my . . . the context . . . but the ignorance of those that did not know better to protect their possessions, to protect their property. And I feel as though this Government, this House, this Chamber, should unanimously vote for the original motion which then protects the people, which then holds up the symbol of Parliament and protects justice for all, which is a human right, which is something that we should all fight for, all continue to fight for, and should uphold with the utmost respect and strength and fervour.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable and Learned Member from constituency 34, MP Kim Wilson.

You have the floor.

Mrs. Kim N. Wilson: Thank you, Mr. Speaker.

Mr. Speaker, I have some serious concerns about the amendment that we as Honourable Members of this House are being asked to consider. The amendment that is before us, I submit, is a direct negative to the Bill that was tabled—sorry—the motion that was tabled previously.

Mr. Speaker, the motion that was tabled was an affirmative motion. And by that I mean it was calling for action, calling on this House to do specific things such as to establish a commission of inquiry. The affirmative motion was asking for us to determine whether or not there was any validity to any such claims. The other action that was being called for us to consider was to make recommendations for any victims of wrongful action to receive compensation and justice. So the original motion that was tabled on the 16th of May is an affirmative motion. It is calling for us to make specific actions to certain events.

However, what we now see in front of us, Mr. Speaker, with respect to this amendment, again, I submit is a direct negative in that it is simply a take note motion. And when you look at the rules that deal specifically with take note motions, it is simply to debate the matter without coming to any decision.

On one hand we have a motion that speaks to action, speaks to making determinations, speaks to making various actions as to the findings, but yet this whole motion has now been changed with the introduction of this amendment, which now calls simply for a take note, which means no action. It means, as the rules say, we debate the matter without coming to any decisions. Now, with respect, Mr. Speaker, that clearly is a direct negative to what was tabled previously with respect to this particular motion.

And though I appreciate that the House has ruled with respect to that, I beg to differ insofar as this

particular amendment is of serious concern because we are asking now, this House, to just simply debate a very important issue that has historical relevance to many of us sitting within this House and many members of our constituencies. But we are being asked to just say “take note of it,” we will debate it, but we are not going to make any decisions. Again, I respectfully submit that that is a direct negative to the motion that was tabled.

I appreciate that the Member from constituency 15 made a suggestion during his deliberations indicating that the Government has made no mention to any mechanisms that they want to put in place with respect to this. And then we just heard from the Honourable Minister of Public Works indicating that . . . she suggests perhaps a bipartisan committee should be established to deal with these issues. But, Mr. Speaker, with respect, it does not make sense, us sitting here exploring any type of solutions, even though the amendment says for us to explore solutions to the injustices, et cetera, because going back to the first six words, this is simply a take note motion.

So, regrettably, these arguments that we are now advancing with respect to this amendment are somewhat superfluous and futile because the only thing that can be done on a take note motion is to debate the matter without coming to a decision. So we might as well pick up our handbags and our wallets, and so forth, and go home because we do not have to make any decisions right now. The whole purpose of [bringing] this amendment [changing] what was substantially an affirmative motion was to turn it into a take note motion. And, with respect, it is quite a negative to the substantial motion that was first tabled. So now all we are doing is having an exercise in futility debating something in which, as a take note motion, all we have to do is debate it and then the Minister says we do not have to make any decision on it—excuse me, the Government can say we are not making any decision.

And it is a travesty that we would have such an important matter that affects so many people, that has caused injustices from the '50s, '60s, and '70s to have been perpetrated, and for many of those families the adverse effects [continue] and they still are suffering inequalities where those injustices were perpetrated, and many may argue, because of those injustices that took place 50, 60 years ago. And we have a Government which is now saying, *That's okay. We're not going to deal with it right now. We're just going to take note of it without proceeding to make any decision about it.* That speaks volumes for the Government of the day.

And, Mr. Speaker, I would ask that this Government would show their commitment to justice, show their commitment to equality, and show their commitment to fairness by withdrawing this take note motion that has the effect of saying we are going to discuss it, but we are not going to do anything about

it. That is what a take note motion is—we will discuss it but we are not obliged to make any action at all.

So we have gone from an affirmative motion, which requires this House to take substantial actions to try to address injustices that have been occurring since the '50s, we have moved that parameter to now we are in this vein with this amendment saying all we have to do is discuss it, but we do not have to make any decisions. That, I respectfully submit, Mr. Speaker, is a huge negative from the original motion and I would ask this Government to right that by removing their amendment.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair now will recognise the Honourable Member from constituency 5, the Deputy Leader of the Opposition, MP D. V. Burgess.

You have the floor.

Hon. Derrick V. Burgess, Sr.: Thank you, Mr. Speaker.

Mr. Speaker, all the policies in the past that have not benefitted the ordinary person have benefitted the rich. In fact, Mr. Speaker, during emancipation, 1834—this is something the UK Government paid for—they paid the slave masters money for losing the services of their slaves. The UK Government paid for that.

Mr. Speaker, how do we satisfy all the families that these policies have affected over the years? How do we do that? We cannot accept this amendment just to have another powwow, just to have another conversation. We are tired of that. People are tired of that, Mr. Speaker.

Mr. Speaker, my family—both sides, the Smiths and the Richardsons—were forced out of Tucker's Town. Even the property where Mid Ocean Club stands today, my family used to own that and some property along the number 12 hole on the golf course. Mr. Speaker, when I think of what the Honourable Craig Cannonier, the Member for—

The Speaker: [Constituency] 12.

Hon. Derrick V. Burgess, Sr.: —[constituency] 12, and Mr. Bascome from [constituency] 1, their families suffered losses. Land was taken from them. And these fellows, these folks, must stand up. They must stand up and be counted because, Mr. Speaker, even a letter that was sent on the 20 October 1954 by the Colonial Secretary questioned the Mid Ocean Club, *This land should not be sold to you guys. This land should be returned back to the original owners.* And even questioned the executive of the Mid Ocean Club, *Are you only selling land to members of Mid Ocean Club?* I do not think the Colonial Secretary got an answer, Mr. Speaker.

Mr. Speaker, I had a relative—Dinna Smith—who would not sell and would not move. She was dragged out of Tucker's Town because she would not move, would not leave. I know she was my relative because that is the way they would have taken me out of there.

Mr. Speaker, St. Philip's AME Church was forced out of Tucker's Town. They marched up to Devil's Hole and built a church there. Marsden Methodist Church (it was Methodist at that time) was forced out of Tucker's Town to move up south shore there on . . . by the—

[Inaudible interjection]

Hon. Derrick V. Burgess, Sr.: No, not Collector's Hill, in Harris's Bay.

Mr. Speaker, Mr. Osborne Talbot, one of the largest black landowners in Tucker's Town, owned 80 acres of property. A white guy named, Mr. Gosling, owned 100 acres. There were some whites down there (some, very few), Mr. Speaker. And we are going to come here because, you know, Mr. Speaker, they would tell you on the other side, *It wasn't me. You know, that happened before my time.* But they are today benefitting—benefitting handsomely—from what happened during those years and will continue to benefit. The policies that were put in place guaranteed them wealth for many, many years to come.

Mr. Speaker, you know, I spoke to a fellow some years ago from Spanish Point, and he told me how his family lost their land. Their father used to go to the shop and get groceries, but could not pay for them (I guess he got a little hot as far as intoxication from alcohol), and was just asked to sign . . . *sign right here.* Mr. Speaker, that law firms in this country aided these people in stealing land from our people, even some of these law firms aided people in fronting for foreigners to buy property in this country. These were lawyers, law firms in this country. They made millions and millions of dollars, Mr. Speaker.

John Smith's Beach, that belonged to my family. My great-great-grandfather, that is who it belonged to. Who does it belong to now?

So, Mr. Speaker, I am a recipient of that bad behaviour that went on during those days in this country. And now the other side, the Government side, just wants to have a conversation about this here? Kenny and Craig, they should—

The Speaker: Honourable Member, please, let's not—

Hon. Derrick V. Burgess, Sr.: Sorry, my apologies, Mr. Speaker. My apology.

The Honourable Members from [constituencies] 1 and 12, should be incensed by what that other side is trying to put down over there—their families.

Mr. Speaker, I think it was December in this House of Parliament when the Government passed a Bill that enabled them to take a contract from Mr. MacLean. And we told them . . . I told them in this House, that it is going to cost the taxpayers millions of dollars if that Bill is passed. What is happening now? A tribunal has been set up to determine how much he will get. That is what they did coming up here, and they really do not even think about people, Mr. Speaker.

And, Mr. Speaker, the recent court rulings do not help us out either. It just takes me back in history like Caesar to Caesar and the Chief Justice was the father and the prosecutor was the son and the Attorney General was the son and the Holy Ghost was the answer, was the ruling. And that is what we are getting here today, Mr. Speaker, the courts have made some blunders here taking people's land. When a man has paid taxes on his property all this time and the court says, *Oh, I am going to give it to the squatter*. How foolish is that?!

As has been said on the other side by the Attorney General, that has to be tested. But why? when people cannot afford to test it, to take it to other jurisdictions, like a Privy Council, and they lose out. You do not get any . . . poor people do not get any justice in this country, Mr. Speaker.

Mr. Speaker, Cleveland County Cricket Club—I call it Harris's Bay because I am not in agreement with Cleveland Country Cricket Club. If you know about the history of that cricket down, the cup is . . . on the original cup it has got "Tucker's Town Cricket Club." But what my cousins down in Harris's Bay tell me, they had a fellow down in Castle Harbour named Cleveland, and he paid them some money to change the name from Tucker's Town to Cleveland County, even though the original cup still has Tucker's Town [on it], and on the records it has got Cleveland County. They did not want us folks to identify with Tucker's Town. And some folks in Harris's Bay are still incensed by that. We do not call them Cleveland County we call them Harris's Bay. But the younger folks would not know, some of them would not know. But if you see . . . you have probably seen the original Eastern Counties Cup, it has got Tucker's Town on it.

Mr. Speaker, these are some of the things they have done to . . . in fact, my great-grandfather, when he was forced out of Tucker's Town, he went to Friswells Hill and (as my eldest in the family tells me) the reason why he went to Friswells Hill was he said he did not want any of his children to end up working in those homes down in Tucker's Town.

Mr. Speaker, we have two Members in this House—one owns property (he says he is not the one who owns it, it is in a trust), stays at property in Tucker's Town.

An Hon. Member: Yes!

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: You have got the President of the Mid Ocean Club on the other side there, the Premier Dunkley. You know, Mr. Speaker, it—

Some Hon. Members: Former.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: He is a member, being President, he is a member.

[Inaudible interjections]

Hon. Derrick V. Burgess, Sr.: A former President and a member of Mid Ocean Club, and stays on the . . . right off the second hole, the second green, and I know where he is. I play golf down at Mid Ocean when I can. I am an honorary owner down there.

An Hon. Member: Yes!

Hon. Derrick V. Burgess, Sr.: I have got a property down there. I got property down there. They have . . . somebody took my deeds.

So, Mr. Speaker, we cannot support this, what I call, watered-down discussion Bill that we can discuss around some tree. That is where we should discuss it—just around some trees—*Okay, that is what it is. Let's go have a drink. Let's have some coffee, some tea or something like that*. No, we are not . . . we cannot accept this watered-down piece of—I will not call it what I want to call it—piece of paper here. We are not going to do that, Mr. Speaker.

Thank you.

The Speaker: Thank you, Honourable Member.

Would any Honourable Member care to speak?

The Chair recognises the Honourable Member from constituency 6, MP Wayne Furbert.

You have the floor.

Hon. Wayne L. Furbert: Thank you. Thank you, Mr. Speaker.

Mr. Speaker, I will not be long, but let me just say that this amendment is so watered down, it is a do-nothing amendment—absolutely a do nothing. And I will tell you why it is a do nothing. You have not even heard from the Premier on this particular amendment. His is not even in the House. He does not care about what is happening in regard to this particular situation.

Now, if I heard the Premier say that we are going to go to Cabinet, we are going to look at this and come back and we are going to bring a Bill or a motion next week that is going to commit the Government to some funding, we could understand that. But it would never go anywhere else. This is going to

die right here. It is going to die right here! And it is time for the backbench to stand up—the Honourable Kenneth Bascome who knows about Francis Patton—

The Speaker: Let us not use names. Let us call their constituencies if you would, please.

Hon. Wayne L. Furbert: I cannot call the Honourable Kenneth Bascome—

The Speaker: Constituencies, the rules say . . . I am trying to get us to constituency 2—

Hon. Wayne L. Furbert: Yes, okay.

The Speaker: —and constituency 12.

Hon. Wayne L. Furbert: Mr. Speaker, I hear what you are saying—

The Speaker: And that is the rules, Honourable Member.

Hon. Wayne L. Furbert: But can I say those two Honourable Members?

The Speaker: I do not want you to use their names. The names should not be used.

Hon. Wayne L. Furbert: We have got to change that rule, Mr. Speaker.

The Speaker: Well, maybe we have to change the rules, but that is the rule.

Hon. Wayne L. Furbert: Okay. Well, Honourable . . . everybody knows constituency 1 down at St. George's, everybody knows that one. Property in Francis Patton school, the Honourable former Premier—

The Speaker: Constituency 12.

Hon. Wayne L. Furbert: —[constituency] 12 and the list goes on. Those backbenchers need to stand up with the Opposition. Stand up once and for all and send a message that you are not going to take the nonsense from the current Premier from constituency 10 because he is the one . . . the Premier is driving this boat, this ship, and we have not heard from him today, Mr. Speaker.

I am asking the backbench to send a message to their Cabinet. Send a message that you are going to stand up and defend what is right. Stand up before your constituents. The Honourable Member from constituency 4, stand up for what is right. At least during the vote, I can understand that, go to the bathroom, go outside. But do not . . . do not . . . I have not

heard from my good friend the Honourable Grant Gibbons.

An Hon. Member: Silence.

Dr. the Hon. E. Grant Gibbons: Don't bring me into this.

[Laughter]

Hon. Wayne L. Furbert: It is silence. Premier—the Minister—

The Speaker: Minister of Education and Economic Development.

Hon. Wayne L. Furbert: —of Education and Economic Development. We have not heard from key people that have an interest in that particular property down there in Tucker's Town. I go down there now, I cannot even go across that gate, that beautiful beach that is down there at the very end there—we cannot even go across. Now, I remember the . . . where is the Honourable Cole Simons, the Honourable Member from number—

An Hon. Member: [Constituency] 8.

Hon. Wayne L. Furbert: —[constituency] 8. Mr. Speaker, I cannot remember these numbers. But constituency 8. I remember him bringing a motion in another place and there were certain people that cried out very loudly, *No, you cannot bring that motion. Don't bring that motion. It will make everybody nervous down there.* And I threatened my friend that what we would do is we would bring them all from the water side in a ferry and just put barbecue and chicken right on those beaches down there because you can enter it by the water side. But he said, *Do not do that Wayne, you will chase Bloomberg and the rest of them away.* So I backed off.

But, Mr. Speaker, it is time for the backbench once and for all . . . it is time. If you admit . . . the point is, Mr. Speaker, they agree that there has been some injustice in the past. And the front bench has been saying it too. If that is the case, then why . . . I mean, this motion that my honourable colleague has set before us says that the funds shall be paid for by the UK. It has not asked the Government. So if the UK does pass it, it does not mean that you have to pay for it. Correct?

[Inaudible interjection]

Hon. Wayne L. Furbert: It says that the UK should pay for it. If they say no, then you can come back and blame us and say, *Look, the UK is not paying for it and we are not paying for it.* It is simple.

But, no, it is a get around because you (certain Members on that side, not you) . . . certain Members on that side would not want to have a commission of inquiry on this particular issue because some of them might have to move out of certain areas and they would not want that. So I am asking once and for all the backbenchers to stand with the Opposition and say . . . and let us hold hands together and move this thing ahead.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair now recognises the Leader of the Opposition from constituency 26, Warwick South Central, MP Marc Bean.

You have the floor.

Hon. Marc A. R. Bean: Thank you, Mr. Speaker.

Mr. Speaker, this is another day that will go down as a day in infamy. And we have had a few days like this over the last 18 months, but I think this is going to stand out in spite of certain media efforts, I am sure, to not even report on this debacle. But it will go down in history as revealing the spirit and intent of the One Bermuda Alliance Government.

Mr. Speaker, when the Honourable Member from [constituency] 17, MP Walton Brown, presented the motion to myself as party leader, I did not even have to think more than five seconds to realise that this is one of the most important motions—substantive motions—to be debated in this Honourable Chamber for decades. I did not have to take long to realise that this motion speaks to one [underlying] principle, and that is the principle of justice. A principle that the Chairman of the One Bermuda Alliance, Mr. Thad Hollis, on more than one occasion, has pronounced through various press releases and press statements that the One Bermuda Alliance adheres to that principle—in addition to principles of fairness and transparency and accountability. Alas, Mr. Speaker, more idle chatter and talk which lacks any semblance of substance.

Mr. Speaker, in fact, I would ask my colleagues, let us not worry or trouble our hearts and our souls because we know that in bringing such a motion to this Honourable Chamber we should not have been surprised and we should not be surprised by the reaction from the Members opposite from the Government benches. In fact, it is habitual, Mr. Speaker. Just earlier this morning the Premier got up—the Honourable Premier—and he ill-advisedly spoke on Public Access to Information [PATI] and how accountability and transparency were going to be one of his hallmarks of his, so-called—so-called—strong leadership. But then within a few minutes that all came to naught just by a few questions.

And now that fallacy of seeking to stand up for justice has been exposed in the fullness of light. And I do not even think the One Bermuda Alliance has real-

ised just what you have done to yourselves. So I would say to us on our side, *Worry not, fear not*, because the people (even though Brazil is playing Columbia right now)—

[Laughter]

Hon. Marc A. R. Bean: *The people are aware. The people can see clearly.* And if they do not, we will make sure for the sake of posterity that they will see clearly.

Let us get to the crux of the matter. What is the motivation of bringing this amendment if it is about justice? That is what we really want to know. Why? And the Deputy Premier, the Honourable Member, spoke of compensation and the British would not be able to do A, B, C, or D. I did not realise that he spoke on behalf of the UK. I know he went up to meet with the Foreign Secretary and a few others in London the other day, but were you transformed into full-fledged British or English? Something happened on that trip for him to come back and boldly stand up and state that the United Kingdom would not do this or that. Is it ignorance? Or is it just arrogance, Mr. Speaker? Or is it just a poor excuse, Mr. Speaker? I think the latter. Actually, I think all three add up to make some sense.

This is not about money, Mr. Speaker. This is not about us creating emotionalism, as the Honourable Member, the Minister Gordon-Pamplin, spoke about. We do not want to hear examples of being an apologist, an appeasement, when we are discussing issues of justice. We do not need to waste time listening to persons trying to get up and justify the unjustifiable, Mr. Speaker. We are getting sick and tired of persons who like to be apologists and spokespersons and turn their hearts and minds to the injustice that has occurred in this country, Mr. Speaker. [They are] representatives of who? Who are you the emissaries of?

Well, let me answer that question because . . . let us go back to the motivation. Why are they bringing this amendment? Well, I bet any money . . . well, I bet. I will wager that when persons like (as earlier stated during the substantive motion) the bankers, the lawyers, and the real estate agents, when they were aware of the motion that the Honourable Member from [constituency] 17 was bringing to this House . . . and remember, these bankers, lawyers, and real estate agents, in the main, are the OBA's base, Mr. Speaker. I could guarantee that the phones have been ringing in the One Bermuda Alliance hierarchy and their leadership with instructions: *Don't you dare allow this motion to be debated. Don't you dare allow this motion to be passed; in fact, do all that you can within your power to derail this discussion.* Why? *Because you represent our interests and this motion speaks against our interests.* That is why the Honourable Deputy Premier and Minister of Finance will stand up and bring this so-called amendment.

And that is why you do not see the Honourable Premier, who has a tendency to show up for all manufactured, staged photo ops, who has a tendency to be on the front page of everything that appears positive, Mr. Speaker, who has a tendency to even force the *Royal Gazette* to print front page apologies when it does not even seem like there was apology necessary, who has a tendency to look to be seen in the best of lights, who also has a tendency to almost cowardly disappear when there are serious issues to be discussed in this country . . . he goes into hiding. He does not want to touch it. And the lazy media in this country does not question him on it, Mr. Speaker.

But we are going to question him on it. We are going to call him out on it, Mr. Speaker. Where is his voice? Yes, we understand the conflict of interest, being the former President of Mid Ocean [Club], still a member, and we understand the conflict of interest of the Honourable Minister, Dr. Gibbons. He says, *Don't bring me into this*. That is what he said earlier. He said, *Don't bring me into this*. He does not want to even touch this topic. I am sure when he sitting on the second fairway at Mid Ocean [Club], land that was stolen—

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, point of order.

The Speaker: Yes.

POINT OF ORDER
[Misleading]

Dr. the Hon. E. Grant Gibbons: The Honourable Member is misleading the House. The land in question was owned by a lawyer, Benjamin Dickinson Harvey who had it compulsorily removed from him as well.

The Speaker: Thank you. Thank you.

Hon. Marc A. R. Bean: Mr. Speaker, nobody here is interested in all this anecdotal stories. What we do know is the land was once ours and the land was then stolen.

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, the Honourable Member—

The Speaker: Yes.

Dr. the Hon. E. Grant Gibbons: The Honourable Member is misleading the House. He is not only [imputing] improper motives but he is also wrong. He is misleading the House.

The Speaker: All right. Thank you.
Honourable Member, please.

Hon. Marc A. R. Bean: Mr. Speaker, maybe—

The Speaker: The Member has cleared that.

Hon. Marc A. R. Bean: Maybe because it is not just off the second green. You know, if you go up the right side of the fourth green at Mid Ocean [Club], there is another plot of land up there. Maybe the Honourable Dr. Gibbons, the Member from—

The Speaker: The Minister of Education and—

Hon. Marc A. R. Bean: —constituency 22.

The Speaker: The Minister of Education and Economic Development.

Hon. Marc A. R. Bean: Maybe he was considering not touching this contentious issue while he was sitting up on that piece of property, Mr. Speaker.

Mr. Speaker, again, all we ask for is a commission of inquiry—impartial—to look at outstanding claims of those who, for whatever reason, are not able to pursue the claims on their own accord. That is all we ask for. But we see this attempt at deflection.

I have to ask the One Bermuda Alliance Government and the Honourable Premier, isn't justice absent from your agenda in governing Bermuda? Is that a principle that we should just ignore for the sake of protecting narrow self-interest—vested, narrow self-interest? How could we turn the economy around when the House that they are seeking to build is built on sand, the sand of injustice, Mr. Speaker? It just goes to show that we can take whatever they say with less than a grain of salt or a grain of sand, Mr. Speaker.

Now, I could think, Mr. Speaker, of a few injustices myself. If the public would take note when driving through this country, at times you will come across areas where there is big acreage of land undeveloped, untouched, and naturally the way we think, on our side, you would probably think that someone in the oligarchy owns the land and they have so much that they have not got around to developing it. That is what I thought until I became the Minister of Planning.

Then I had people coming to me, Mr. Speaker, when dealing with the Land Title Registry speaking of, for instance, the property adjacent to Five Star Island that goes from Middle Road over to St. Anne's Road, Mr. Speaker. Or the property to the south of Harvey Road on South Shore to the south or southeast that stretches between Harvey Road and the Coral Beach Club and goes from South Shore all the way over to Paget Primary School, Mr. Speaker, that piece of property.

And then you have a piece of property up in Wellington in St. George's. And then you have a piece of property that stretches from Albuoy's Point and includes all the land between Bermudiana Road and

Par-la-Ville Road stretching in a straight line through the *Royal Gazette*, through BAA [Bermuda Athletic Association], all the way over to North Shore, Mr. Speaker. There is a claim of injustice. There is a family in this country that claims that *this was my Papa's land*. So we are not talking about injustices of the past, Mr. Speaker, we are also talking about injustices of the present.

Let me move on, Mr. Speaker, in closing. We have Members in this Honourable Chamber that are beneficiaries of this past and present skulduggery—beneficiaries, Mr. Speaker. So I was surprised to hear one Member stand up and say that their daddy told them this and that. I tell you there are not too many beneficiaries of that skulduggery on this side of the Chamber, but on that side? Oh, yes. Oh, yes. And see that is the issue that I have with the One Bermuda Alliance (and previously the Bermuda Democratic Alliance, and whatever else they called themselves while they were trying to transform into something that they are not).

These people, Mr. Speaker, who supported that skulduggery on a political level, they do not want the burden of the task on their shoulders. But they are quick to claim and seek all the privileges of the past. They do not want the burden, but they want the privilege. Some people, like Ms. [Lynne] Winfield and Cordell Riley and others, would call that “unearned” privilege. And that is what this amendment is about, protecting unearned privilege. It is nothing about whether the British can compensate us or not. What a poor excuse. Is that all that you could come up with over the last two, three hours to justify the unjustifiable?

Mr. Speaker, there was a time when I got up in this Chamber and I said, *Listen, there was an Honourable Member who used to sit in this Chamber who should be named a National Hero*. But then when I said that, I had my elders in the Progressive Labour Party and outside of the party come to me and say, *How could you put that person's name forward to be a National Hero?* I said, *Well, from the autobiography or the biography it seemed like they were worthy of it*.

They said to me, *Don't you know, Marc, that that person in particular . . . do you know how much land was stolen from black people in particular through the offices of that gentleman? Do you know how much land? Do you know why?* Because, as has already been stated, many of our people at that time did not read, so that they put their trust in those who sometimes looked like them who could read—as if being able to read is a measurement of one's heart and one's honesty. We were fooled. We were bamboozled. We were tricked by members who are benefitting from that trickery as a result of their fore parents' skulduggery.

That is why this amendment has been brought to the House, Mr. Speaker. It has nothing at all to do with the British and compensation, but everything to do with protecting vested interests and not wanting to

open up a festering sore because we know when we open it up to finally clean it out and to cleanse it, it is going to be painful. It is going to be painful. But injustice and the transition to justice normally, Mr. Speaker, it is painful.

So as I finish my contribution, I will speak on behalf of my colleagues. We find that what has occurred over the last few hours in this Honourable Chamber is nothing but a travesty. And we cannot see after this amendment fails—because I do not have any faith in anyone having a conscience or heart on that side to do [what is] right . . . I would like to be proven wrong, but once it fails, we do not see any reason to continue participating. Why should we participate when we just had injustice thrown back up in our face? What is the purpose? This is not a circus. So I think we need to withdraw ourselves after the OBA votes on their deflective amendment. And I call on the Honourable Premier—where is he? Sorry, I see you hiding. I call on the Honourable Premier—

The Speaker: Honourable Member, the Honourable Member is not hiding.

Hon. Marc A. R. Bean: Mr. Speaker—

The Speaker: The Honourable Member is not hiding. The Honourable Member is here.

Hon. Marc A. R. Bean: The Honourable Premier has a habit every time someone is out of their seat on this side of the House of announcing it like he is Brent Musburger on ABC Sports.

[Laughter]

Hon. Marc A. R. Bean: He has a habit of it, even if we are just going to the bathroom.

I am calling for the Premier who is so quick to be up in front of the media, who is so quick to have a positive photo op, to stand up in the fire and answer why, as the Leader of this country, he is going to allow his colleagues to bring an amendment that avoids the question of restitution for past injustices. Put your word on the record. Let everyone hear and see just where you stand as a strong leader in this country. Either put up or silence, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Member.

Any other Honourable Members care to speak?

The Chair will recognise the Deputy [Premier], the bringer of the amendment.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, we have had a great deal of sound and fury this afternoon, particularly the last

speaker. And I wonder where that sound and passion was two and half years ago, three years ago, four years ago, five years ago, 14 years ago. Where was that passion?

Mr. Speaker, you know, all of this passion for injustice. Well, injustice took a holiday for 14 years of PLP rule? Is that what we are to believe?

Hon. Wayne L. Furbert: Point of order.

The Speaker: Yes, Honourable Member?

An Hon. Member: Sorry.

An Hon. Member: Go ahead and speak.

The Speaker: Carry on, Honourable Member.

[Inaudible interjection]

Hon. E. T. (Bob) Richards: Yes, this is for posterity.

Mr. Speaker, you know all of that is just as they say in the Bible, *a sounding brass and tinkling cymbal*—much ado about nothing. Much ado, because actions speak louder than words, Mr. Speaker. And if this was such a passionate desire of the PLP, we would have seen this a long, long time ago. But their actions speak a lot louder than their words.

An Hon. Member: Cheap logic.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: And I am hearing a chirping of *cheap logic*. It is not cheap logic, Mr. Speaker, it is logic. It is logic because they have had a chance to do this—had many, many chances to do this and they have not done it.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: And they have been so—

The Speaker: Honourable Member.

Hon. E. T. (Bob) Richards: Yes, and my honourable colleague has reminded me when they were in power they also had the money to afford a commission of inquiry, even to afford possible consequences and, you know, rewards for people who were badly done by.

But, Mr. Speaker, those days are gone and they have left us with a purse that does not have any assets, only has liabilities. As stewards of that purse, we have to take a position that we will not, on just the Opposition's say-so, commit ourselves, or potentially commit ourselves, to something that has not been properly studied. I can tell you that it is my firmly held opinion . . . and I do not care what anybody on the

other side says, the evidence is overwhelmingly in my favour that Her Majesty's Government are not going to be paying for any of this. They are just not going to be paying for it.

You know, when we had riots in Bermuda, Mr. Speaker, you will remember in 1977 British troops were sent to Bermuda. Who paid for those British troops? The taxpayers of Bermuda paid for those British troops. And that was in a time of desperate need—

An Hon. Member: Why?

Hon. E. T. (Bob) Richards: —for law and order at that time. But we had to pay for that. So the message is clear. The message is clear that any of these matters will have to be borne by the taxpayers of Bermuda.

So that is the position of this Government. When the Opposition had responsibility for these things, they chose their own priorities and made their own decisions. Mr. Speaker, the priorities of this Government are to put people back to work. And we will spend whatever debt that we have to raise, because we do not have any money, we only have the proceeds of debt—a debt that the former Government left us. We will spend whatever proceeds of the debt that we raise to fix the finances of this Government and to put the people of Bermuda back to work—the unemployment that the now-Opposition left us.

I do not have any compunction about the position that we are taking here. It is a responsible position. We have our priorities and we stated what our priorities are. When the Opposition was the Government, they had their priorities and this matter did not feature in their priorities. It did not feature at all. It was nowhere to be seen. It was AWOL; it did not exist.

The motives of our amendment have been questioned, but I would like to question the Opposition's motive to bring this to this place at this time, because the rhetoric that we have heard this afternoon basically explains what the motives are.

An Hon. Member: What is that?

[Inaudible interjections]

Hon. E. T. (Bob) Richards: The motives are to foster further divisiveness.

Some Hon. Members: Ooh!

[Inaudible interjections]

Hon. E. T. (Bob) Richards: That is what the motives are.

So when they were the Government, they could have fixed this problem because the passion that I heard has to come from some deep-seated

emotion that has been built up for years, even generations.

An Hon. Member: Why is that?

Hon. E. T. (Bob) Richards: Because it just did not happen yesterday, that is why.

So this is something that may have happened to your father, your grandfather, your great-grandfather. This is the sort of thing that has been built up over a long period of time. And when you were the Government you did not do anything about it. So why is it coming up now? Because, Mr. Speaker, this is just another act in PLP's political theatre. That is all it is, another act.

[Inaudible interjections]

Hon. E. T. (Bob) Richards: So with those words, Mr. Speaker, I move the amendment as stated: "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims and explore solutions to these injustices, inclusive of a Commission of Inquiry."

The Speaker: All right. Thank you. Thank you, Honourable Member. Just one second, Honourable Member.

So, Honourable Members, we have now before the House a division that we will look at in relation to the amendment which reads, "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims and explore solutions to these injustices, inclusive of a Commission of Inquiry."

I recognise the Honourable Member, Walton Brown. MP Brown.

Mr. Walton Brown: Thank you, Mr. Speaker.

Just referring to my earlier comment that those Members of the Mid Ocean Club . . . because there is a conflict they need to recuse themselves, and I would like a ruling from you on that, Mr. Speaker.

The Speaker: All right. Again, if you can explain why you feel that?

Mr. Walton Brown: Mr. Speaker, as I explained in my—

[Inaudible interjections]

The Speaker: Honourable Members, please.

Mr. Walton Brown: Mr. Speaker, as I explained in my initial presentation, one of the issues raised was the

potential illegal disposal or sale of property that was under the control, under the ownership of Mid Ocean Club. I submitted for the consideration of the House the details of a letter sent by the Colonial Secretary to the Managing Director of Mid Ocean Club, and, therefore, it raises the questions relating to Mid Ocean Club.

If the case to be argued is that property was sold in contravention of the law, that still has relevance today, Mr. Speaker. Therefore, anyone who is a member of Mid Ocean Club has a conflict of interest. And under the rules of Parliament and Erskine May's *Parliamentary [Practice]*, the appropriate step to take is for such Members to recuse themselves from participating in any such vote. It is a time-honoured tradition, and I would expect that tradition would be honoured here today.

The Speaker: Right. Thank you, Honourable Member.

And if we look at the [Standing Orders] in terms of voting, I think the rule that you certainly speak to would be Standing Order 26(2)(i), which in fact says that "A Member shall not vote on any subject in which he or she has a direct personal or pecuniary interest, peculiar to such Member as distinguished from the public at large, and if the right of any such Member to vote shall be challenged by any other Member on this ground such Member shall not be entitled to vote if the Speaker shall determine that the Member whose right to vote is in question is disqualified by this Rule from voting."

Now, two things. First, it has to be a pecuniary interest. In other words, any Member who is requested not to vote has to be seen to have a pecuniary interest, meaning that that person would benefit in terms of monies, et cetera.

[Inaudible interjection]

The Speaker: Sorry?

[Inaudible interjection]

The Speaker: Yes. Indeed.

So, the question is whether in fact there is . . . First of all, the Honourable Member has not mentioned . . . You said that, *Members should not vote*. Who are these Members? Who is the Member that should not vote? You are doing it the right way in that before any vote takes place, this should be brought forward.

Yes?

Mr. Walton Brown: Well, Mr. Speaker, we are all deemed to be Honourable Members. So I am asking Honourable Members to be honourable, do the honourable thing. If you are a member of the Mid Ocean Club, if you are a shareholder of the Mid Ocean Club,

you should disclose that interest to this House right now and recuse yourself from the vote.

The Speaker: Right. Yes.

The Chair recognises the Honourable Premier.

Hon. Michael H. Dunkley: Mr. Speaker, I think the Honourable Member is unclear on how the Club was set up. I would like to take the opportunity to go back and research it before I make any comment that could be incorrect. But from what I understand, the Mid Ocean—

[Inaudible interjection]

The Speaker: Honourable Member. Go ahead.

Hon. Michael H. Dunkley: The Mid Ocean Club was set up by a private Act of Parliament. So I think the Member's comments are wrong about a letter from a gentleman, the Colonial Secretary, to the—

[Inaudible interjections]

The Speaker: Honourable Member, yes. No, that is not . . . The issue right now is—

[Inaudible interjections]

The Speaker: Honourable Members! Please, everybody, take your seat. Take your seat. Take your seat.

Honourable Member, just one second.

Mr. Premier, let me just explain myself. What we are looking at is, indeed, if any Member has a pecuniary interest in and a decision as this motion, amendment, rather, is put forward.

Honourable Attorney General, you have a comment?

Hon. Trevor G. Moniz: Yes, yes.

The motion, at the most, involves the setting up of a commission. All a commission does is to write a report. That is all it does. It does nothing else. So there is no pecuniary interest in any report. All you do is write a report.

The Speaker: Okay. I understand that. I understand that.

Hon. Trevor G. Moniz: That is the question. That is the relevance. There is no—

The Speaker: Right. Okay. Thank you.

The way that I have to view this is, in fact, if this decision would mean that any Member . . . in fact, even if a person is a member of the Mid Ocean Club in this regard, number one, we are not just talking about Mid Ocean Club. And secondly, I think that if we

are looking at pecuniary interests, if you look at pecuniary interests, we are really talking about benefiting, that any Member would benefit from the decision.

An Hon. Member: Or suffer.

The Speaker: Or, indeed, suffer. Or, indeed, suffer. Because if you lose something or if you gain something.

And, Honourable Member, you had something to say?

Did you have something to say? Go ahead, Leader of the Opposition.

Hon. Marc A. R. Bean: Thank you, Mr. Speaker. Mr. Speaker, Standing [Order] 26(2)—

The Speaker: Yes, I just read that.

Hon. Marc A. R. Bean: Yes. It is not just pecuniary interest, but also "direct personal."

The Speaker: Personal, pecuniary interest. Right.

Hon. Marc A. R. Bean: So it is either/or. Because there is an "or" there. So if it applies personally and you are a member of a membership club, that is personal, without even having to establish whether or not you benefit financially through that membership. You are a personal member of a very exclusive club. So they should recuse themselves from voting.

The Speaker: Right. Thank you. Thank you, Honourable Member.

Yes.

Hon. Trevor G. Moniz: Mr. Speaker, but I just might add that that would also apply to anyone who was descended from anyone who lost property then. It would apply both ways.

[Inaudible interjections]

The Speaker: No, no. That is quite right. And I think that is what we—

[Inaudible interjections]

The Speaker: No, I think, Honourable Members, what is said is quite right. So, if Members are prepared to . . . And we see Members on either side of the House whose personal or pecuniary interests in this particular matter, then they should excuse themselves from voting.

And, once they have done that, if any Member further believes that someone is here who is to vote and should not be voting, then a Member can stand up and indicate that.

So, first of all . . .

[Pause]

The Speaker: So, what can happen is that a Member . . . Members can abstain. All right? And once we . . .

Just a minute, Member! Let me explain myself. You cannot understand me?

[Inaudible interjection]

The Speaker: No, no, no, no. No, no. The thing is that if Members abstain from voting, they are not impacting on the vote. So, if any Member (if you listen to me) votes, and there is a concern that that person should not vote, then an objection can be made before the vote is decided upon.

All right? If I am making myself clear.

I will recognise the Honourable Member, Dr. Gibbons.

Dr. the Hon. E. Grant Gibbons: Yes. Mr. Speaker, I think the difficulty here, if I may, is the Honourable Member has purposefully indicated a couple of people with one specific property here. But during the course of the debate a lot of other properties were mentioned as well. It is very difficult to know who it affects or who it does not. People may be aware of it—

[Inaudible interjections]

Dr. the Hon. E. Grant Gibbons: No, no. I think the issue here is, this is such a broad debate, there is no direct pecuniary interest here. As a consequence of what the Attorney General said, this is simply setting up a commission. It has nothing to do with any money being spent or any money being allocated to people.

[Inaudible interjections]

The Speaker: Just a minute, Honourable Member!

Dr. the Hon. E. Grant Gibbons: Frankly, I think it is a little unfair to have people not be able to vote on this motion simply as a consequence of membership, or whatever, in one of the clubs that has been mentioned.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Member . . . What are you showing me here?

Hon. Michael J. Scott: Mr. Speaker, I have handed you—and tabled, therefore, formally—the letter that was referred to by the Member who sponsors the Opposition motion. And it is the letter from the Colonial Secretary. It specifically references the Mid Ocean Club. And it specifically references the Mid Ocean Club. And Members of that club will have a personal vested interest in this vote, whether pecuniary or per-

sonal, because they will have an interest in defending their club if the issues raised in that letter, Mr. Speaker, become a reality as a consequence of the inquiry by any commission established and that we are seeking to establish.

Hon. Trevor G. Moniz: Mr. Speaker.

The Speaker: Just one minute. Let the Honourable Member finish.

Hon. Michael J. Scott: And so I draw the nexus or the link between the call for all Members of the Mid Ocean Club to recuse themselves to the issue specifically referred to in the letter.

And, as the Attorney General has pointed out, he has made the point that known, former owners, or persons with an interest through inheritance of property that was allegedly dispossessed, also should recuse themselves. Now, that is where we stand. But I believe that that letter makes it very clear that the Mid Ocean Club is very much in the mix here.

The Speaker: All right. Thank you, Honourable Member.

Hon. Michael J. Scott: In the mix here not only on this vote; it may, as the Minister of Economic Development referred to, the properties in Spring Benny or the properties in Dockyard. But because it is difficult, Mr. Speaker, to work it out is not a reason why we should not apply principle. And the principle is a well-known one, and you have very properly pointed it out to us at [Standing Order] 26(2)(i). It is very clear where there is a conflict of interest.

The Speaker: All right. Thank you. Thank you, Honourable Member.

I recognise the Attorney General.

Hon. Trevor G. Moniz: Yes, thank you, Mr. Speaker.

Mr. Speaker, there can be no conflict of interest if you take any of these. As I said earlier, all this committee would do, if it were ever appointed, would be to write a report. It has no power to do anything. So there can be no loss of money, or no pecuniary interest, in a report. In addition to that, the matter to which the Member refers is 60 years ago. You know, the statute of limitations is six years. That is 60 years ago. That could not possibly impact on any legal transaction.

Even if you were to take the committee so far as to say the UK Government would pay compensation, it would not impact on any members of the Mid Ocean or any owners of any property in Dockyard or 9 Beaches or St. David's, or anywhere else. It would not impact on them. It would impact on the public purse.

So the Members on that side are totally going down the wrong road. And on this side, we take the view that we would be entitled to vote. Members on that side would be entitled to vote.

The Speaker: All right. Thank you. Thank you, Honourable Member.
Yes?

Hon. Michael J. Scott: I want to respond to that.

The Speaker: Yes.

Hon. Michael J. Scott: That is a pure legalism. The priority and prominence of this House, and to respect the findings of a commission of inquiry . . . for example, the commission could find that the 60-year [period] applied to the Crown, or the 20-year period applied to individuals, could be ignored, given the gravity and public interest. So the legalism is not required in this House.

Hon. Trevor G. Moniz: That is not true. That is not true.

The Speaker: Let the Honourable Member finish.
Go ahead.

Hon. Michael J. Scott: A legislature could completely remove those legalisms if in the public interest it was found necessary.

The Speaker: All right. Thank you. Thank you.
The Attorney General, I recognise you.

Hon. Trevor G. Moniz: Thank you.

That is completely incorrect. I mean, we have seen commissions of inquiry. We saw the Pitt Commission. They merely make recommendations. That is all they do. Nothing . . . they cannot change the law. They cannot order anyone to pay anything. They write a report. That is all they do.

Now, somebody else may act on those recommendations; but all that committee can do is write a report. That is it.

Hon. Michael J. Scott: Mr. Speaker, Mr. Speaker—

The Speaker: All right. Thank you.
The Chair will recognise the Learned Member, MP Scott again.

Hon. Michael J. Scott: Yes, thank you, Mr. Speaker.
I accept the Attorney General's analysis that the commission will not be able to . . . they will only make recommendations. But ultimately, on the acting of the recommendations, the impact on members of the Mid Ocean Club can be serious and severe if the matter runs the entire cycle. I accept what the Minister

is saying. But the recommendations can be most powerful, about driving suits, driving claims for compensation.

The Speaker: All right. Thank you, thank you.
Honourable Member Brown, you wanted to say something?

All right. Thank you very much, Members.
You know, the matter that we are faced with is a matter that, as we look at the . . . if I can find the . . . I am looking for the motion, the amendment.
[Pause]

The Speaker: Ms. Wolffe, let me see the amendment.
Thanks.

[Pause]

The Speaker: Honourable Members, what I am going to do is take a 10-minute recess. We will adjourn for 10 minutes. I will look at this and come back.

Honourable Member, you should be in your seat!

[Laughter]

The Speaker: We will break for . . . I think we had better make it . . . we will come back in 15 minutes, so twenty-five to seven.

[Gavel]

Proceedings suspended at 6:21 pm

Proceedings resumed at 6:55 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

MOTION

COMMISSION OF INQUIRY INTO LOSS AND DIS- POSSESSION OF PROPERTY AND RECOMMEN- DATIONS FOR VICTIMS OF WRONGFUL ACTION

[Debate on proposed Government amendment con-
tinuing]

SPEAKER'S RULING

[Standing Order 26(2)—Voting, direct personal or
pecuniary interest]

The Speaker: Thank you, Honourable Members.
I will bring Members' attention to Standing Order 26(2)(i), which reads, "A Member shall not vote on any subject in which he or she has a direct personal or pecuniary interest, peculiar to such Member as distinguished from the public at large, and if the right of any such Member to vote shall be challenged by any other Member on this ground such Member shall not be entitled to vote if the Speaker shall deter-

mine that the Member whose right to vote is in question is disqualified by this Rule from voting.” That is [Standing Order] 26(2)(i).

[Standing Order] 26(2)(ii) indicates that “After a vote on any question has been taken no Member may challenge, whether by substantive motion or otherwise, the right of any other Member to vote on that question, save and except as set out herein.”

Members, we are here to vote on the amendment, which was brought to the House by the Honourable Finance Minister, the Deputy Premier, “That this Honourable House take note of the historic losses in Bermuda of citizens’ property through theft of property, dispossession of property and adverse possession claims and explore solutions to these injustices, inclusive of a ‘commission of inquiry.’”

Honourable Members, I am, first of all, to ask that if . . . I am asking that if any Member has a personal or pecuniary interest as relates to this particular amendment, which I just read, I ask that you please rise and declare your interest before we move to the vote.

Hon. Derrick V. Burgess, Sr.: Mr. Speaker.

The Speaker: Yes?

Hon. Derrick V. Burgess, Sr.: Myself and the Honourable Member Cole Simons are members of the same family. And I think we have a personal interest in it.

The Speaker: Do you speak for D. V. Burgess?

Hon. Derrick V. Burgess, Sr.: For both. We are from the same family.

The Speaker: Honourable Member, you speak for D. V. Burgess.

[Laughter]

Hon. Derrick V. Burgess, Sr.: Well, if I—

The Speaker: I want you to speak for D. V. Burgess.

Right. Okay. Thank you, Honourable Member. Is there any other Member who would care to speak?

Hon. Michael H. Dunkley: Mr. Speaker, I ask for your ruling. I am a member of the Mid Ocean Club. But it is a not-for-profit club. And as a member, just like any member of Dandytown, Tucker’s Point, whatever, you are a member of the club; you join the club and you enjoy the facilities.

The Speaker: All right. Thank you. So you indicated that you are a member of the club.

Right. So my position is, Honourable Member, that if any member is a member of the club, then they have a personal interest. So I would put that in the case of a personal interest.

Hon. Michael H. Dunkley: So, Mr. Speaker, that would apply to any Member who is a member of any club.

The Speaker: Honourable Member, in this case, we are talking about in relation specifically to this motion.

Hon. Michael H. Dunkley: Yes, Mr. Speaker. But I would assume that Tucker’s Point would fall into that category. And I would assume that those other clubs that might have some past history which people would like to look over.

The Speaker: Well, I am asking, Honourable Member, that any Members connected specifically to this motion.

Yes. The Chair recognises the Honourable Member, Cole Simons.

Mr. N. H. Cole Simons: Thank you, Mr. Speaker.

Mr. Speaker, the Honourable Derrick Burgess was correct. We have family interests in Devil’s Hole in that our families were displaced.

[Desk thumping]

The Speaker: Yes. The Chair recognises the Honourable Member, Dr. Gibbons.

Dr. the Hon. E. Grant Gibbons: Like Mr. Dunkley, I am also a member of the Mid Ocean Club.

[Desk thumping]

The Speaker: Thank you. Thank you, Honourable Member.

Dr. the Hon. E. Grant Gibbons: But I am not sure I have a pecuniary interest here.

The Speaker: Yes. Thank you. But it says “personal or pecuniary interest.”

Yes, I recognise the Honourable Member from

. . .

Mrs. Suzann Roberts-Holshouser: Mr. Speaker, I would ask for clarification of “direct personal,” because while I stand and I can speak on behalf of my relatives, I do not know that I would directly benefit. So I ask for your guidance.

The Speaker: Okay. If you do not have a direct personal interest, then you do not.

[Inaudible interjections]

Mrs. Suzann Roberts-Holshouser: Member!

That is why I am asking, Mr. Speaker, I am asking for *your* direction, not the direction of Members of the Opposition.

The Speaker: Right. Right. So if you feel that you have a personal interest, if you have a personal interest, then . . .

Mrs. Suzann Roberts-Holshouser: I have a personal interest. However, I do not have *direct personal* interest. In other words, I will not personally benefit.

The Speaker: Benefit. Yes.

Mrs. Suzann Roberts-Holshouser: And so, therefore, I ask for *your* direction, Mr. Speaker, and *your* direction only.

The Speaker: All right. Okay, Honourable Member. Thank you, thank you.

So we have got D. V. . . .

[Inaudible interjections and crosstalk]

Ms. Lovitta F. Foggo: Mr. Speaker.

The Speaker: Yes.

Ms. Lovitta F. Foggo: I have no direct personal interest. I have family in St. David's. I know of no . . . anything to do with me. I grew up in St. George's. My mother and father are from St. George's.

The Speaker: All right. Thank you.

Mrs. Suzann Roberts-Holshouser: Mr. Speaker?

The Speaker: Honourable Member, no. In your case, I think if you have a . . . As you said, you have no interest in that way, so I accept that from you.

So we have three . . . we have four Members. We have four Members who have expressed a personal interest in this. And those four Members will not . . . They can stay here, but I think when your name is called, if you could just abstain when your name is called.

So we will now carry—that is it.

[Inaudible interjection]

The Speaker: We will now carry on with the vote. The amendment is, "That this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dispossession of property and adverse possession claims and explore solutions

to these injustices, inclusive of a 'commission of inquiry.'"

All those in favour, say Aye. Those against, say Nay.

AYES AND NAYS.

The Speaker: All right, and therefore we will have the names.

[Pause]

The Speaker: Just one second. I think everyone is here. I would think everyone is here. Is someone not here?

[Inaudible interjection]

The Speaker: All right. We should ring the bell then, if there is a Member here who is not here. So if we could ring the bell. (Thank you for reminding me of that.)

[Pause for ringing of the Bell]

The Speaker: Honourable Members, let us have order in the House, please.

Are we ready? All right. Thank you. Can you close the door?

Honourable Members.

[Gavel]

The Speaker: Carry on. I have read it three times already.

The Clerk:

DIVISION

[Proposed Government amendment]

Ayes: 13

Hon. Jeanne J. Atherden
Mr. Kenneth Bascome
Mr. L. Craig Cannonier
Hon. Shawn G. Crockwell
Ms. Nandi Outerbridge
Hon. P. J. Gordon-Pamplin
Mrs. Susan E. Jackson
Hon. Trevor G. Moniz
Hon. E. T. Richards
Mr. S. D. Richards, Jr.
Hon. R. Wayne Scott
Mr. Glen Smith
Mr. Jeff Sousa

Nays: 15

Hon. Marc A. R. Bean
Mr. Glenn A. Blakeney
Mr. Walton Brown
Mr. E. David Burt
Mr. Rolfe Commissiong
Hon. Z. J. S. De Silva
Ms. Lovitta F. Foggo
Hon. Wayne L. Furbert
Mrs. S. Roberts-Holshouser
Hon. Dennis P. Lister
Mr. Walter H. Roban
Hon. Michael J. Scott
Mr. W. Lawrence Scott
Mr. Michael A. Weeks
Mrs. Kim N. Wilson

Abstain: 4

Hon. Derrick V. Burgess, Sr.

Hon. Michael H. Dunkley
Dr. the Hon. E. G. Gibbons
Mr. N. H. Cole Simons

Absent: 3

Hon. Terry E. Lister
Mr. Mark J. Pettingill
Ms. Leah K. Scott

The Speaker: The Ayes have 13, and the Noes 15.

[By majority on division: Proposed Government amendment failed.]

[Desk thumping]

The Speaker: So the Noes win, which means that the motion will go to . . . What we will do now is have the [question] on the motion. So if I can ask the Honourable Member from constituency 17 read the motion, and we will have the [question] on the motion.

Mr. Walton Brown: Thank you, Mr. Speaker.

The motion therefore is, "THAT this Honourable House take note of the historic losses in Bermuda of citizens' property through theft of property, dis-possession of property and adverse possession claims;

"AND BE IT RESOLVED that this Honourable House calls on His Excellency the Governor to establish a Commission of Inquiry into all such known claims and to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice."

The Speaker: Thank you, Honourable Member.

All those in favour of the motion, say Aye. Those against, say Nay.

AYES.

The Speaker: The Ayes have it.

[Desk thumping]

The Speaker: So the motion is passed.

[Motion carried: The House agreed to take note of the historic losses in Bermuda of citizens' property and to establish a commission of inquiry into loss and dis-possession of property and recommendations for victims of wrongful action.]

The Speaker: I am told that all other matters are to be carried over. So I will recognise the Honourable Premier.

ADJOURNMENT

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. I move that we adjourn to next Friday.

The Speaker: Thank you.

The House is now adjourned to Friday, February [sic] 11th, at 10:00 am.

Some Hon. Members: February?

An Hon. Member: July!

[Laughter]

The Speaker: You see how much you all got me mixed up today? July, July the 11th.

[Gavel]

[At 7:12 pm, the House stood adjourned until 10:00 am, Friday, 11 July 2014.]

BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****11 JULY 2014****10:04 AM***Sitting Number 27 of the 2013/14 Session**[Hon. K. H. Randolph Horton, Speaker, in the Chair]***PRAYERS***[Prayers read by Hon. K. H. Randolph Horton, Speaker]***CONFIRMATION OF MINUTES****27 June and 4 July 2014**

The Speaker: Thank you, Honourable Members. We have confirmation of the Minutes of the 27th of June and the 4th of July, which have been distributed. And if there are no objections, these Minutes will be confirmed.

Are there any objections?

There are none. So, therefore, the Minutes of the 27th of June 2014 and the 4th of July have been confirmed.

*[Minutes of 27 June and 4 July 2014 confirmed]***ANNOUNCEMENT BY THE SPEAKER****HOUSE VISITOR**

The Speaker: I would just like to recognise in the Gallery the former Member of Parliament, Neville Darrell, who is present today.

*[Desk thumping]***MESSAGES FROM THE GOVERNOR****LETTER RE: COMMISSION OF INQUIRY INTO LOSS AND DISPOSSESSION OF PROPERTY AND RECOMMENDATIONS FOR VICTIMS OF WRONGFUL ACTION**

The Speaker: The next order is Messages from the Governor. I do have, Honourable Members, a correspondence, which I received from the Governor yesterday, which I will read to the House for the record. And it reads as follows:

“Dear Mr. Speaker:

“You have kindly brought to my attention a Motion approved by the House of Assembly on 4 July asking me to establish a Commission of Inquiry into

alleged claims of ‘historic losses in Bermuda of citizens’ property through theft of property, dispossession of property and adverse possession claims’; and ‘to determine, where possible, the viability of any such claims and make recommendations for any victims of wrongful action to receive compensation and justice.’ I have considered this carefully.

“Under the provisions of the Commissions of Inquiry Act 1935, the Governor ‘may, whenever he considers it advisable, issue a commission appointing one or more commissioners and authorising them, or any quorum of them therein mentioned, to inquire into the conduct of any civil servant, the conduct or management of any department of the public service or into any matter in which an inquiry would in the opinion of the Governor be for the public welfare.’ The decision to appoint a commission therefore falls to the Governor. In deciding whether or not to appoint a commission, a recommendation from the House of Assembly carries considerable weight and I have taken this into account carefully. The Act specifies that fees of a Commissioner will be paid in accordance with the Government Authorities (Fees) Act 1971, which would therefore come from the Consolidated Fund.

“In considering this Motion, I have taken into account the debate in the House of Assembly and had discussions with supporters and opponents of the Motion and others and I am grateful to them. It has become clear that there are three main strands of concern reflected in the House’s Motion:

“-consequences of the purchase, including compulsory purchase, in the early 1920s of land in the Tucker’s Town area;

“-consequences of the purchase, including compulsory purchase, of land in the early 1940s for the purpose of the construction of United States air and naval bases particularly in the area of Longbird, St. David’s and Cooper’s Islands and Morgan’s and Tucker’s Island; and

“-consequences of a series of land transactions in the 1950s, 1960s and 1970s in which concerns were expressed in the House about possible injustices arising from systematic collusive behaviour between lawyers, bankers and estate agents.

"I have looked at each of the three categories of cases.

"The purchase by compulsory purchase of the land in Tucker's Town was subject to requirements in the Bermuda Development Company (No 2) Act 1920, that subsequent sales of the land by the Bermuda Development Company of more than 100 acres should be subject to further approval by the Legislature, as should sales to companies not incorporated in Bermuda. There does not appear to have been any legislative requirement made in respect of 'first refusal' offers to former landowners, though the 1954 letter by the then Colonial Secretary cited in the debate clearly suggests that he, at least, regarded this as good practice. The subsequent sales appear to have complied with these requirements. The Ombudsman's recent report, 'A Grave Error', indicated that one resident was subjected to an involuntary eviction. Other purchases were made under the compulsory purchase arrangements set out in the Act, which contained numerous appeal arrangements.

"The compulsory purchases and other compulsory land transfers related to US naval and aviation requirements during the Second World War clearly disrupted communities and the Bermuda natural landscape. Compensation arrangements were made.

"Both of the major historic compulsory purchases which were highlighted in the debate—the purchases in Tucker's Town in the 1920s and the purchases for military purposes during the Second World War—appear to have been completed broadly in accordance with the normal principles of compulsory purchase for public objectives, with measures in place to help ensure fair prices. In neither of these cases do I consider that there is a specific enough case that injustices were done that would merit the establishment of a Commission now.

"The debate in the House showed that there is a broad concern about allegations of a pattern of cases in the 1950s, 1960s and 1970s in which some landholders lost land, or part of the value of their land, through abuses by members of professions individually or in collusion with each other. I have not seen suggestions that such abuses involved civil servants or the conduct or management of a department of the public service in a way which would justify inquiry by a Commission under those criteria. I would need to be satisfied that abuses by non-official agents were pervasive, systematic and on a scale to cause significant injustice to make them the subject of a Commission of Inquiry so long after the alleged events. I would need also to be clear, under the 1935 Act, that such an Inquiry 'would serve the public welfare'. This overlaps with the suggestion in the Motion itself that, if possible, remedies should be proposed if relevant abuses were found.

"I have concluded that these concerns are neither so clear nor so urgent as to justify my taking the still unusual step of commissioning an inquiry un-

der the 1935 Act. I am also conscious that such an inquiry would incur expenditure under the 1935 Act, which does not appear to have been the settled wish of the House, from either side of the debate. I note suggestions in the course of the House's debate that, instead of using the 1935 Act, an inquiry might be established with funding arrangements other than those provided for in the Act proposed in the Motion. This may be possible, but would go both beyond the terms of the House's Motion and my own powers. Whatever alternative mechanism for an inquiry might otherwise be looked at, it may be useful to set out for the record that I see no case for asking Her Majesty's Government in the United Kingdom to consider funding an investigation into allegations of commercial transactions not involving the Crown, if such funding is not forthcoming from Bermuda. Bermuda is proud of its high degree of autonomy as a British Overseas Territory. It is a long time since Bermuda's commercial and private land law has been supervised from the United Kingdom and this does not seem to me a compelling issue on which to reverse that.

"The debate has raised serious concerns, of public interest. Some may well be worth further examination. But they are not clear or urgent enough to justify a Commission of the kind proposed. I would be open to consider this again, however, if the House gave me clearer references to the kinds of alleged abuses concerned and a clearer mandate for me to incur expenses from the Consolidated Fund.

"I am copying this letter to the Premier, the Leader of the Opposition and Mr Walton Brown JP, MP who brought the motion before the House."

And it is signed, "[Yours sincerely], George Fergusson."

ANNOUNCEMENTS BY THE SPEAKER OR MEMBER PRESIDING

APOLOGY

The Speaker: We have one Member, MP Glenn Blakeney, who is out sick and has asked that he be excused.

LETTER RE: COMMISSION OF INQUIRY FROM THE GOVERNOR

The Speaker: Secondly, I would like to report to the House that I did meet briefly this morning with the Leaders of both parties, the Premier, the Deputy Premier, the Leader of the Opposition, and the Deputy Leader [of the Opposition], with reference to the Governor's letter. I expect that, as the day proceeds, I will continue deliberations on that matter with those Members.

MESSAGES FROM THE SENATE

The Speaker: There are none.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

The Speaker: The Chair will first recognise the Honourable Minister of Public Works. Minister Patricia Gordon-Pamplin, you have the floor.

Hon. Patricia J. Gordon-Pamplin: Thank you, and good morning, Mr. Speaker.

The Speaker: Good morning.

AGREEMENT TO LEASE BETWEEN THE WEST END DEVELOPMENT CORPORATION AND THE SOUTH BASIN DEVELOPMENT LTD.

AGREEMENT BETWEEN WEST END DEVELOPMENT CORPORATION AND SOUTH BASIN DEVELOPMENT

SUB-LEASE AGREEMENT BETWEEN SOUTH BASIN DEVELOPMENT LTD. AND THE DEPARTMENT OF MARINE AND PORTS

AGREEMENT TO SUB-LEASE BETWEEN THE WEST END DEVELOPMENT CORPORATION AND THE SOUTH BASIN DEVELOPMENT LTD.

LAND RECLAMATION AGREEMENT BETWEEN THE WEST END DEVELOPMENT CORPORATION AND THE GOVERNMENT OF BERMUDA

Hon. Patricia J. Gordon-Pamplin: Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the following Leases and Agreements:

- Agreement to Lease between the West End Development Corporation and the South Basin Development Ltd.;
- Agreement between West End Development Corporation and South Basin Development;
- Sub-lease Agreement between South Basin Development Ltd. and the Department of Marine and Ports;
- Agreement to sub-lease between the West End Development Corporation and the South Basin Development Ltd.;
- Land Reclamation Agreement between the West End Development Corporation and the Government of Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Did you not miss one? The lease between the Bermuda Land Development Company and the Bermuda Housing Trust?

Hon. Patricia J. Gordon-Pamplin: This is another.

The Speaker: It is another one. All right. Okay. Thank you.

Hon. Patricia J. Gordon-Pamplin: Shall I continue, sir?

The Speaker: Yes, Honourable Member, if you would.

SUB-LEASE BETWEEN THE BERMUDA LAND DEVELOPMENT COMPANY LTD., AND THE BERMUDA HOUSING TRUST

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I have the Honour to attach and submit for the consideration of the Honourable House of Assembly a sub-lease between the Bermuda Land Development Company Ltd., and the Bermuda Housing Trust.

The Speaker: Thank you, thank you.

Are there any objections to those leases, all these leases being laid?

There are no objections.

ANNOUNCEMENT BY THE SPEAKER

HOUSE VISITOR

The Speaker: I would also like to take this opportunity to recognise another former Member of Parliament who is in the House, former MP Jon Brunson.

[Desk thumping]

[Papers and Other Communications to the House, continuing]

The Speaker: The Chair will now recognise the Honourable Minister of Finance *[sic]*. Minister, Dr. the Honourable Grant Gibbons, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker. I think you meant Education and Economic Development.

The Speaker: I did.

Dr. the Hon. E. Grant Gibbons: Yes, okay.

The Speaker: Absolutely, I did, Dr. Gibbons.

Dr. the Hon. E. Grant Gibbons: The other gentleman is my cousin, so I can understand how you would mix us up.

[Laughter]

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

The Speaker: Carry on.

BERMUDA COLLEGE AUDITED FINANCIAL STATEMENTS 2006–2009

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, I have the honour to attach and lay for the information of the Honourable House of Assembly the Bermuda College Audited Financial Statements 2006–2009.

The Speaker: Thank you. Thank you, Honourable Member.

Are there any objections to that?
There are none.

PETITIONS

The Speaker: There are no petitions.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: We now move to Statements by Ministers and Junior Ministers. The Chair will first recognise the Premier, the Minister for National Security.

Honourable Premier, you have the floor.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker, and good morning to colleagues.

The Speaker: Good morning.

BERMUDA REGIMENT—SHAPING THE FUTURE

Hon. Michael H. Dunkley: Mr. Speaker, the public discussion around the issue of conscription has its ebbs and flows. In spite of this, the Government has continued to work on the fulfilment of our promise to eliminate conscription. Both sides of the aisle agree with this course, and in light of our common experience in governing, I suspect we might agree that it cannot be done at the stroke of a pen.

With that in mind, Mr. Speaker, I think it is necessary to indicate to this Honourable House the consistent message from this Government on how this issue is to be handled and to frame the crux of this Statement today against that background.

Mr. Speaker, Honourable Members will recall that this session started with the debate on the report

of the Security and National Defence Review. In the course of opening that debate, I indicated to this Honourable House, Mr. Speaker, and I quote, that: “. . . the elimination of conscription will not be done in a haphazard fashion, but will be an orderly transition designed to preserve the strength of the [Bermuda Regiment](#) without prejudice to the role and responsibility it is required to discharge.” [*Official Hansard Report*, 9 May 2014, page 1901]

Additionally, Mr. Speaker, I also advised Honourable Members that, and I quote again, “This change will take time, perhaps money, and it takes planning. And no amount of campaigning to the contrary will make it happen any sooner.” [ibid, page 1899]

Mr. Speaker, that debate was on the [9]th of May. I am pleased to advise this Honourable House that, in the two short months since that debate, a considerable amount of the required planning has been underway. In consultation with the Commanding Officer, Cabinet has considered a plan which has the potential to shape the Regiment for the future.

Mr. Speaker, the move to an all-volunteer force will not be without its challenges, and the means by which the Government proposes to mitigate the challenges is through a phased end to conscription, working towards the last ballot for recruits in 2015 for the 2016 Recruit Camp and a completion of service for those soldiers in 2019.

Achieving the numbers of volunteers required to maintain “fitness for role” capability will take some investment in the enlistment and retention, as well as in advertising and recruiting. Honourable Members should take note that the experience of other affluent countries is to provide a significant joining incentive, as they are competing with diverse job markets and opportunities. Mr. Speaker, our aim will be to provide funding for the Regiment to allow it to have some ability to provide incentives such as a joining bonus.

We will also aim to provide the resources for a dedicated member of staff to handle the full ambit of recruitment of volunteers. A significant part of this role will be to develop a system of enhanced benefits for soldiers in volunteer service, to include expanding the current discounts for local goods, wider employability and incentives for recruiters themselves. These and other proposals, Mr. Speaker, will continue to be developed.

The fulfilment of our principled pledge to eliminate conscription must be tempered by the realities of life in the Bermuda we face today. The demographics of our Island indicate that the pool of individuals from which we would ideally seek to draw volunteers in that context is relatively small. In spite of this, in spite of our economy, there is still competition for reliable and keen employees.

Mr. Speaker, I have stated on numerous occasions, and I will reiterate the position again here today for Honourable Members: This Government will

not eliminate conscription in a manner that leaves the Regiment unable to fulfil its mission.

As I indicated during the debate on the Report of the Security and Defence Review [Committee], and Mr. Speaker, I will introduce into this House amendments to the Defence Act 1965 to provide for the end of conscription but with a commencement date which will permit the Minister responsible for the Regiment to bring the provisions into force at the appropriate time.

Mr. Speaker, Honourable Members will recall that an Amendment to the Defence Act was tabled in this Honourable House in November of 2012, just prior to the general election. That Bill will further be refined to take account of these proposals to eliminate conscription. The new Bill will retain those provisions that introduce a disciplinary system that is fully compliant with the European Convention on Human Rights. Further to changes recommended as part of a 2010 legal review of the Regiment's Standing Orders, the Bill will also do the following:

1. remove confusing and gender-biased terminology;
2. remove references to the repealed UK Army Act 1955 and, where necessary, replace it with reference to the UK's Armed Forces Act 2006;
3. give all those charged with a military offence the right to elect for trial by a court of summary jurisdiction instead of a hearing with the Commanding Officer; and finally,
4. regularise the fines and punishments to be imposed in the event of any disciplinary hearings.

Mr. Speaker, these changes provide a modernised disciplinary process and an important legislative platform for an eventual all volunteer Regiment.

As the Commanding Officer indicated in his interview carried in Wednesday's edition of the *Royal Gazette*, it is this Government's policy to transfer the Regiment to a volunteer force, and he is working hard to make it happen. I am grateful for the careful planning and regular updates provided by the Commanding Officer, and I have also found it useful to hear the views of the Defence Board and Chairman, Mr. Wendell Hollis. While at times we approach things from different sides, I am confident that working together, the Regiment will go from strength to strength as we implement these changes.

Mr. Speaker, let me say in closing that one area of potential expansion for the Regiment, which has been mentioned over several years, is the inshore maritime patrolling responsibility.

A few weeks ago, I had the opportunity to witness first-hand the skill of those members of the Bermuda Regiment's Boat Troop as they trained and rehearsed drills in the area of the Great Sound. Mr. Speaker, during this season of increased boating and water-related activity, the people of Bermuda will see

the Bermuda Regiment hard at work, alongside the Bermuda Police Service, providing support in the maritime role. This practical engagement will provide the support for a fuller, written brief, and I expect to receive it from the Commanding Officer, on how we can make the assumption of the inshore maritime role by the Regiment a working reality.

Mr. Speaker, this Statement today is the forerunner of substantive legislation which we will table on our return to the House next session. I look forward to the support of Honourable Members as we shape the Bermuda Regiment for the future.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Premier.

And, Honourable Premier, I think you have a second Statement. You may now present that, Honourable Premier.

AMERICA'S CUP 2017—BID FOR

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, I rise this morning to highlight Bermuda's success thus far in our [2017 America's Cup bid](#).

Mr. Speaker, by now, you and Honourable Members of this House will be aware that Bermuda has been shortlisted as one of the final two venues to host the America's Cup in 2017.

We are presently up against San Diego to host the Cup.

Mr. Speaker, the official announcement came late Tuesday afternoon from the America's Cup Event Authority. And I do not mind telling you and Honourable Members of this Honourable House that, when I received the word during the Cabinet meeting and informed my colleagues, we could not contain our enthusiasm.

Mr. Speaker, with Bermuda making it to the final stage of the bidding process, the Island will host America's Cup World Series races no matter the outcome of the final venue selection, which will mean an influx of people to Bermuda's shores for possible events in 2015 and 2016. And, Mr. Speaker, if Bermuda is ultimately successful, the America's Cup has the opportunity of being a spectacular milestone event for our Island home.

Mr. Speaker, it will give us unprecedented international exposure, and we also anticipate that the economic benefits from hosting this event would provide a substantial and very welcome boost.

Other countries that have had the distinct privilege of hosting the America's Cup have recorded multimillion-dollar figures in terms of revenue generated by this event.

For Bermuda, it would certainly mean an acceleration of development and investment in several industry areas across the Island. It would mean an

increased demand for transportation, accommodation, retail and, of course, hospitality services.

We would anticipate an investment in upgrades and additional capacity in our hotels and tourism product, and this will ultimately result in an increase in jobs in our construction and our tourism sectors—all key industries within our drive to improve our economy.

Mr. Speaker, I would be remiss if I did not acknowledge the tremendous amount of work and effort that has gone on behind the scenes by the Bermuda organising team to advance Bermuda's chances. Mr. Speaker, in the words of Sir Russell Coutts, Director of the America's Cup Event Authority, Bermuda has presented a compelling case to host the next America's Cup.

I want to take this opportunity to publicly thank the Minister of Education and Economic Development, Dr. the Honourable Grant Gibbons, and his team of Government technical officers and private sector partners, especially Mr. Peter Durhager, Mr. Mike Winfield and Ms. Jasmin Smith, for their dedication to this monumental cause. Together, they and other members of the team have worked tirelessly to make sure that our bid has been first class.

Mr. Speaker, at the current stage, we are singularly focused on the next phase of the bid process and on generating commercial sponsorship in support of the bid. It is anticipated that a final decision on the venue to host the America's Cup Finals will be determined by the end of the year.

In closing, Mr. Speaker, I want to share this sentiment with not just my honourable colleagues in this House, but the wider community and our listening audience. Since the announcement, I have followed the discussions in various forums—on talk radio, on social media, in the blogosphere—and I recognise that sailing might not receive the kind of high-profile attention as perhaps football or cricket. But, lest we forget, Mr. Speaker, Bermuda has a very rich and treasured maritime and sailing legacy that is woven into our history. Furthermore, Mr. Speaker, Bermuda has a sterling reputation among sailors in the international community.

It is my hope that, with the buzz being generated by Bermuda's potential to be the host of the next America's Cup, it will perhaps spur some of our young people who would not otherwise consider getting involved in sailing to discover more about the benefits of the sport and, of course, all that it has to offer.

So, Mr. Speaker, please allow me to end on this note. Hosting an event of this magnitude on our shores will require the support and participation of all sectors of the community. The benefit potential for Bermuda is something we should all be cognisant of, and it will require a unified community effort from everyone.

Mr. Speaker, if we are ultimately successful in securing the 35th America's Cup in 2017, I very much

look forward to joining with all of Bermuda, including our colleagues across the aisle, in showcasing our hospitality to the world.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Thank you, Honourable Premier.

The Chair will now recognise the Honourable Minister of Sport. Minister Wayne Scott, you have the floor.

Hon. R. Wayne Scott: Thank you, Mr. Speaker, and good morning.

The Speaker: Good morning to you.

XX COMMONWEALTH GAMES 2014

Hon. R. Wayne Scott: Mr. Speaker, I rise this morning to address Members of this Honourable House on the subject of the [XX Commonwealth Games](#) to be held in Glasgow, Scotland, from the 23rd of July to the 3rd of August 2014.

Mr. Speaker, Bermuda has a long history of participation in the Commonwealth Games and 2014 will be the 16th Commonwealth Games in which our athletes have competed. Bermudian athletes have won a total of five medals in previous Commonwealth Games: one gold medal, two silver medals, and two bronze medals.

Mr. Speaker, John Morbey was the first Bermuda Commonwealth Games medallist, winning a silver medal in long jump in Kingston, Jamaica, in 1966.

Mr. Speaker, Clarence "Nicky" Saunders was a bronze medallist in high jump at the Commonwealth Games held in Brisbane, Australia, in 1982. Eight years later, at the 1990 Commonwealth Games in Auckland, New Zealand, Saunders became the first Bermudian to win a gold medal at a major international sporting event, winning gold with his jump of 2.36 metres, a record that stands to this day.

Mr. Speaker, Antoine Jones and Conrad Lister were the 1998 Commonwealth Games silver medallists in men's doubles tenpin bowling in Kuala Lumpur, Malaysia.

Mr. Speaker, the most recent Commonwealth Games medallist was Brian Wellman, who won the bronze medal in triple jump at the 1994 Commonwealth Games held in Victoria, Canada.

Mr. Speaker, the Bermuda Olympic Association has announced that 18 athletes have met qualifying standards in six different sports and will represent Bermuda at the XX Commonwealth Games in Glasgow, Scotland, competing in athletics, cycling, rhythmic gymnastics, swimming, squash and triathlon.

Mr. Speaker, I wish to take this opportunity to salute Bermuda Olympic Association President Judy

Simons, Secretary General Philip Guishard and the entire Bermuda Olympic Association for their fine work in organising and supporting our athletes as they prepare for competition at the 2014 Commonwealth Games in Glasgow.

Mr. Speaker, it has become a feature of the Commonwealth Games that a meeting of Commonwealth Sports Ministers is held prior to the commencement of the actual Games. Accordingly, I will be attending a Commonwealth Sports Ministers meeting, along with my Permanent Secretary, Mr. Wayne Carey, on Monday, July 21st, 2014. Some of the topics expected to be discussed at the Sports Ministers meeting include the following:

- Sport for Development and Peace;
- Major Games as a Platform for Social and Economic Development;
- Integrity in Sport; and
- Commonwealth Games Update.

Mr. Speaker, I was pleased to learn that you received a communication from your counterpart, the Honourable Tricia Marwick, the Presiding Officer of the Scottish Parliament, regarding the Commonwealth Games. It is noteworthy that, to mark the occasion of the 2014 Commonwealth Games, the Scottish Parliament has published “Commonwealth Scotland,” a research briefing which illustrates social, economic and environmental change since Scotland first hosted the Commonwealth Games in Edinburgh in 1970.

Mr. Speaker, Bermuda can take great pride in the superlative performances of our athletes recently. At the Central American and Caribbean Junior Championships in [Morelia,] Mexico, our track and field athletes won two gold medals and two bronze medals. Then, our swimmers excelled at the Caribbean Islands Swimming Championships in Barbados, winning 27 medals in total.

Mr. Speaker, we know that our athletes will give their all in Glasgow. There is growing anticipation that one or more of our athletes will medal at the 2014 Commonwealth Games. And on behalf of the Government of Bermuda, I wish great success to the entire Bermuda delegation of athletes, officials and medical personnel under the leadership of the Chef de Mission, Mr. Stanley Douglas.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Minister of Health. Minister Jeanne Atherden, you have the floor.

BERMUDA’S REEFS—REVIEW OF

Hon. Jeanne J. Atherden: Thank you, Mr. Speaker.

Mr. Speaker, I rise this morning to report to the Members of this Honourable House and the people of Bermuda on the state of [Bermuda’s coral reefs](#).

Mr. Speaker, last week saw the release of a landmark report on the health of coral reefs in the Caribbean over the past 40 years. Compiled and published by the Global Coral Reef Monitoring Network (GCRMN), the report entitled, “Status and Trends of Caribbean Coral Reefs: 1970–2012” looks at long-term changes in coral and fish populations across the region and the various environmental stressors that have impacted them.

Mr. Speaker, led by GCRMN Scientific Director, Dr. Jeremy Jackson, the report analysed the largest set of coral reef data ever compiled, based on over 35,000 surveys carried out by more than 200 scientists working in 34 countries, states and territories throughout the wider Caribbean, including Bermuda. Fourteen local and international scientists provided information on Bermuda’s coral and fish communities, along with a timeline of relevant environmental management measures and background information to help interpret the findings.

Mr. Speaker, the main finding of the report is that the amount of coral on reefs in the Caribbean region has declined by an average of 50 per cent as a result of many different factors including overfishing, diseases, pollution and the effects of increasing water temperatures associated with climate change. However, there is a message of hope, because a detailed look at the data shows wide variation in reef health that can be linked to the way in which the marine environment is managed at the local level.

Key recommendations from the GCRMN report include reducing fishing pressure on parrot fishes and other reef herbivores across the region, addressing all of the various threats to coral reefs at the local level through adaptive legislation, and continuing to monitor coral reef health and fish abundance, with a view to sharing information and lessons learned with other marine managers.

Mr. Speaker, Bermuda was highlighted as one of seven locations where coral cover remained stable or improved over the study period. The good health of our coral reefs is of particular interest because Bermuda has one of the highest population densities of all the locations studied, coupled with large numbers of tourists for the size of the Island, and these factors were generally associated with degraded reefs.

The report’s authors credit the fish pot ban in 1990 and the listing of parrot fishes as protected species in 1993 as the key management measures that have promoted healthy herbivorous fish populations that keep seaweeds on the reef under control and allow the corals to flourish. Bermuda’s conservative approach to coastal development was also considered important.

The report concludes that healthy reef communities are more resilient and recover more quickly and effectively from events such as temperature-associated coral bleaching and hurricanes.

Mr. Speaker, much of the long-term data used for Bermuda's analysis came from research conducted initially by Dr. Robbie Smith, and then by Drs. Ross Jones, Joanna Pitt, Eric Hochberg and Mr. Tim Noyes at the Bermuda Institute of Ocean Sciences (formerly, the Bermuda Biological Station for Research), and were funded by the MacArthur Foundation and the Bermuda Government Department of Environmental Protection (formerly, the Department of Agriculture and Fisheries).

Visiting scientists hosted by the Department of Conservation Services also contributed valuable research on coral diseases and juvenile fish populations. A more recent, broad assessment of the status of corals, marine plants, sea urchins and fish populations across the entire lagoon and fore-reef was provided by Dr. Thaddeus Murdoch, as part of the Bermuda Reef Ecosystem Analysis and Monitoring (BREAM) programme, funded in part by research grants from Department of Conservation Services, UK Government OTEP programme, NOAA and the Stempel Foundation, with the support of the Bermuda Zoological Society.

Mr. Speaker, Dr. Carl Lundin, of the Marine and Polar Programme at the International Union for the Conservation of Nature (IUCN), said of the report, "All too often, our fixation on the future threats of climate change has resulted in neglecting the things we can actually fix on a local basis. We need to take a reef-by-reef, island-by-island, region-by-region approach to the local issues as we struggle to cope with the larger scale problem of curbing the use of fossil fuels."

Mr. Speaker, our reefs are one of the most important resources. They support our local fisheries, provide unique tourism opportunities and provide vital protection for the Island during storms. Although the fish pot ban was highly controversial at the time, it is clear that this move has helped to maintain the health of this vital and valuable ecosystem. While our reefs may suffer from factors we cannot control, it is heartening to see that, as a country, we can make hard choices which are necessary for the benefit of future generations. As such, it is with pleasure I bring good news about one of nature's wonders and a key asset that many of us may take for granted.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Minister.

The Chair will now recognise the Honourable Minister of Education and Economic Development. Dr. Grant Gibbons, you have the floor.

BERMUDA COLLEGE: AUDITED FINANCIAL STATEMENTS 2006–2009

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker,

Mr. Speaker, this morning, I have tabled the [2006 to 2009 Audited Financial Statements for the Bermuda College](#), as stipulated by the Bermuda College Act 1974.

Mr. Speaker, Honourable Members of the House will note that the Audited Financial Statements for the years ending March 31st, 2006 and 2007, were qualified by the Auditor General. They are directed to the Auditors' Opinions as outlined under the heading, *Basis for Qualified Opinion*, in both the 2006 and 2007 audited reports. However, the Audited Financial Statements for the years ending March 31st, 2008 and 2009, did not have any qualifying statements.

Mr. Speaker, for the audited year ending the 31st of March 2009, the Financial Statements indicate that the Bermuda College had total assets worth \$32,387,627 and total liabilities of \$27,314,672. However, a decrease in student fees in 2009 resulted in a deficiency of revenues over expenses by some \$566,339, which was a result of free tuition being offered at the Bermuda College commencing during the fall 2008 academic session.

Mr. Speaker, Honourable Members will be aware that the Bermuda College leased property to Coco Reef Resorts Limited. Part of the lease agreement requires Coco Reef Resorts Limited to pay to the Bermuda College a yearly turnover rent equivalent to 20 per cent of its gross annual profits, commencing May 2003, in addition to a yearly base rent. It is worth noting that the statements show that no monies have been paid under this gross profit arrangement, as the resort has reported gross operating losses during the period up to 2009.

Mr. Speaker, during the past year, the Bermuda College and the Office of the Auditor General [OAG] have been working assiduously to ensure that the annual Financial Statements for the years 2006 to 2014 are completed by March 2015, in preparation for its re-accreditation. Honourable Members are reminded that the Bermuda College is accredited by the New England Association of Schools and Colleges, Inc. [NEASC], through its Commission on Institutions of Higher Education. The next re-accreditation site visit to the Bermuda College is scheduled for March 22nd to 25th, 2015.

In preparation for this site visit, a temporary accountant was hired in June 2013 to work exclusively on the audits with the Office of the Auditor General to ensure all audits of the financial statements are achieved. To date, the 2006 to 2009 Annual Financial Statements have been completed. Outstanding audits for the years 2010, 2011 and 2012 have all started and are either in the fieldwork, initial review or final stage.

Mr. Speaker, it should be noted that the computer information system at the Bermuda College only allows two fiscal year accounts to be open and worked on simultaneously. Therefore, once the audits

for the years 2010 and 2011 are completed, the audit for fiscal year 2013 can commence.

Nonetheless, apart from this limitation, the reasons for the outstanding audits pertain to the 2003 lease between the college and the Coco Reef Hotel, when the former Auditor General decided to suspend audits on the Bermuda College's books until an investigation of the lease was conducted. Some Honourable Members of the House may recall that the report on the lease was tabled in the House of Assembly in 2008, and consequently, no audits were completed during that four-year period.

Mr. Speaker, the reasons for the lateness of these financial statements continue, as once the investigation of the lease was completed, the Bermuda College Board of Governors requested that the audits be outsourced, as the Office of the Auditor General was not in a position to prioritise completing the audits. This request was denied by the previous Auditor General, and it was not until a new Auditor General was appointed when the Board of Governors re-submitted its request, which was then approved.

Subsequently, in 2010, a private accounting firm was contracted that successfully completed the 2006 and 2007 audits and partially completed the 2008 and 2009 audits before its contract was terminated. The auditing of the financial accounts was brought back in-house by the Auditor General, and the 2008 and 2009 were finally completed.

Mr. Speaker, the Office of the Auditor General has been very supportive to the Bermuda College, recognising the position it was placed in of having to play catch-up to have all audits completed by March 2015. We certainly note and thank the Office of the Auditor General for the commitment given in this regard.

Mr. Speaker, in closing, the vision of the Bermuda College is to be recognised locally and internationally as a centre for educational excellence as it responds to the diverse learning needs of the community. It continues to provide solid tertiary education, and we commend the staff at the Bermuda College, under the leadership of President, Dr. Duranda Greene, for their continued commitment to deliver high-quality learning programmes with excellence.

Thank you, Mr. Speaker.

The Speaker: Thank you. Thank you very much, Minister.

That completes the Ministerial Statements.

REPORTS OF COMMITTEES

The Speaker: There are no reports of committees.

QUESTION PERIOD

The Speaker: We now move to Question Period. And we first have the Honourable T. E. Moniz to provide

oral responses to parliamentary questions from the Honourable T. E. Lister.

MP Lister, from constituency 33, you have the floor.

Hon. Terry E. Lister: Good morning, Mr. Speaker.

The Speaker: Good morning.

QUESTION 1: SEX OFFENDERS REGISTER

Hon. Terry E. Lister: Mr. Speaker, my question for the Attorney General is as follows: Would the Honourable Minister please provide this Honourable House the current status regarding the implementation of a sex offenders register that can be accessed by the public?

The Speaker: Minister?

Hon. Trevor G. Moniz: Thank you, Mr. Speaker.

Two things I would like to say. Firstly, these answers are a little bit long in coming. I would like to thank the Honourable Member, Mr. Lister, for his forbearance in agreeing to put them over for a couple of weeks. [Secondly], the answers are quite long, but we are trying to explain the context of this difficult situation.

Mr. Speaker, with respect to the status of a sex offenders register that can be accessed by the public, it is important to make some clarifications. Certain segments of the public, such as youth organisations, child care agencies, child protection agencies, employers, churches and other institutions, can inquire through Child and Family Services or the Bermuda Police Service as to whether particular individuals have been convicted of sexual offences. The law as it stands does not readily permit every member of the public, out of sheer curiosity, to obtain information on every other member of the public as to who is or is not a sex offender.

However, by section 329H of the Criminal Code, the Minister has the discretion to establish an information disclosure protocol as to sex offenders and including particular offenders. I would like to say here that I have received submissions from certain Members of Parliament and other persons. And in particular, the Deputy Speaker has approached me on the issue and has long been a passionate person on these issues. So, this issue of a protocol is under active review and discussion. And I am prepared to accept submissions from anyone who wants to come forward.

What I would encourage is for those persons who are interested, presumably led by individuals in this House, to form a working group to put forward any proposals they have with respect to making a sex offenders' register more available to members of the public.

At this time, I would also like to recognise . . . I believe, in the Public Gallery, we have today members of the SCARS [Saving Children and Revealing Secrets] Group, Mr. Jon Brunson and Debi Ray-Rivers. I would like to thank them for their attendance today—

[Desk thumping]

Hon. Trevor G. Moniz: —and for their passion and their hard work in this very difficult area.

Going on, Mr. Speaker, the Bermuda Police Service does have a sex offender register that is used for the purposes of law enforcement to protect the public against repeated offending by sex offenders and to collaborate with other Government agencies accordingly. The police are required to have current information on record to know where convicted offenders reside upon being released from incarceration. The Ministry of Legal Affairs has consulted the Bermuda Police Service in this regard to ascertain the feasibility of a more publicly accessible register.

The issue of public access to a sex offender register is essentially an issue of our public safety and public interest. Societally, we are presented with unique challenges in Bermuda because of our unique size; we are a very small community. It is not equatable to somewhere like the United States where someone can move around and disappear into communities. We are a very small community here. And, of course, a quick search on the news media sites pretty quickly turns up photographs and names of those people who have been convicted of these sorts of offences.

The questions that we are compelled to ask ourselves is, What is not working currently about the current system of access to information about sex offenders? That is a question that is being looked into, Mr. Speaker. As I say, it is under active review. And I am happy to receive any submissions from interested parties. But it would be more useful if they formed a sort of working group under Members of Parliament and worked together in that fashion.

That is the answer to the first question, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

MP Lister?

SUPPLEMENTARIES

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Thank you for that answer. I think it gets us going in the direction we need to be going.

My first supplemental is, Given the work that is being done in this area, is the Government considering residency restrictions for convicted sex offenders?

Hon. Trevor G. Moniz: Well, Mr. Speaker, let me just preface a remark. I am new to considering this area of the law. I have an open mind on it. I am happy to consider representations. I have been looking into the history of it. I have been kindly provided by the Honourable Member, Ms. Roberts-Holshouser, with a statement that was made by a previous Attorney General, the Honourable Member Kim Wilson, some, I think, about four years ago on this subject. So I am trying to look into the history of it, and I am trying to see where the deficiencies are, if any, in the present provisions. And I am happy to consider any suggestions for changes in the future.

The Speaker: Thank you, Minister.
MP Lister?

Hon. Terry E. Lister: Second supplemental.

The Speaker: Yes.

Hon. Terry E. Lister: Mr. Speaker, given that this was an issue that was campaigned on by the OBA and handled very seriously at that time, I am wondering if the Minister could tell us, in light of his comments thus far, what is the timetable being proposed for bringing about changes? I hear him say, *Let's get a working committee together*, et cetera, et cetera. But what is your goal, as having canvassed for this? What is your goal?

The Speaker: Thank you.

Hon. Trevor G. Moniz: Mr. Speaker, my goal is to deal with any deficiencies that exist. So what I am presently looking at is, what is, you know, in law we call the mischief? What is the mischief that we are trying to remedy here? At the moment, I have not been presented with any examples of any specific mischief. So if someone can come to me and say, *In this situation, somebody fell through the cracks because there is a deficiency in this register*, I would then fix that deficiency.

But, you know, these things change over time. So you will get a situation that arises. It is resolved. That time passes. You are in a new time now. So what is this situation you are presently facing? And that is what I am trying to figure out. What present danger are we facing? What is the mischief? What is the deficiency?

And once I figure out exactly what that is, we will work on the best way to remedy that.

So to answer [your question], there is no specific timeline.

The Speaker: Thank you, Minister.

MP from constituency 33, your second question?

Hon. Terry E. Lister: My second question, yes.

The Speaker: Yes.

QUESTION 2: SEX OFFENDERS REGISTER

Hon. Terry E. Lister: Would the Honourable Minister please inform this Honourable House of any conducted research relating to the consequences that may arise, such as employment, residency prospects and harassment, towards the listed sexual offender as a result of having a sex offenders register made public?

The Speaker: Minister?

Hon. Trevor G. Moniz: Mr. Speaker, the question as to ascertaining the impact upon the sex offenders if they are listed in a publicly accessible register is a worthy one. The answer is not readily available for our jurisdiction; we have no research in Bermuda. Again, as we are a small jurisdiction, normally that sort of information is pretty available.

Other jurisdictions have had mixed results with respect to publicly available registers. For example, in parts of the US, it has been found that public notification deters some first-time sex offenders, but can increase recidivism. Because, of course, once someone is labelled in a certain way, they may tend to then see themselves in that way and repeat the behaviour. Other researchers have shown that such registries are not effective tools for increasing public safety.

Ultimately, Mr. Speaker, the question for us in Bermuda involves a consideration of a number of other important ramifications pertaining to a publicly accessible register. The issue here is all sex offenders are not the same, so we need a way of categorising them for the purposes of a register. Obviously, you have situations where a 16-year-old teenage male minor has sex with a 15-year-old female minor. Would you put them in the same category as a 30-year-old male who has sex with a 15-year-old female? So this question of how you categorise sex offenders is obviously . . . people obviously sometimes confuse the category of sex offenders with paedophiles, which is another important area of study.

Obviously, you get the people who are caught relieving themselves in a public place after having imbibed too much drink at local pubs. You know, is that in the same category? So, how do we proportionately determine consequential penalties for such a register? Because effectively, when you put someone on a register, it is a form of a penalty for that individual. So, there are a number of those.

These questions are raised to point out that there are important policy considerations at issue here. There are also constitutional issues. You know, under the Constitution there is a right to privacy. So it

is a question of whether, when someone has committed an offence, you are labelling them for life, whether you are marking them for life. And is that good? Ultimately, is that good? Does that result in more good for the community than the negative effect it may have on that individual and, through that, for the community? The idea, you know, that we are now looking at, with alternatives to incarceration, is you are looking at rehabilitation of individuals. I know there are different views as to the ability to rehabilitate people who have certain predilections. And that is an issue partly of medical science and psychiatry.

Of course, you know, you hear the cases in other jurisdictions where people are thought to be sex offenders, and people attack them and try to destroy their property. There was one case I heard of where somebody got mixed up and thought someone was a paedophile, and in fact, they were a paediatrician.

[Laughter]

Hon. Trevor G. Moniz: And somebody came and, you know, smashed their house up and killed their cat or something because it was a simple mistake.

An Hon. Member: Not everybody can spell.

Hon. Trevor G. Moniz: Yes. That is right. But they are difficult words to spell, you know?

I think that is the best I can do on that, Mr. Speaker.

The Speaker: Thank you, thank you, Minister.
Member from constituency 33?

Hon. Terry E. Lister: Mr. Speaker, what you have seen in this exchange is the importance of this issue and the fact that it has to be handled very carefully. I have talked with the Minister about this, at length, and I do believe that the approach taken is the approach we need to take.

However, I have one last question.

The Speaker: Yes. Supplementary.

Hon. Terry E. Lister: Although I am entitled to two, I am just going to ask him one.

The Speaker: Yes.

SUPPLEMENTARY

Hon. Terry E. Lister: Given that reports elsewhere (and here, I guess) show that some 90-plus per cent of all sex offences are committed—sex offenders in this case that we are looking at are committed—by close relatives or family friends of the victim, what steps will be taken to ensure that the victims are not

identified through the existence of the register, given the closeness?

Hon. Trevor G. Moniz: Mr. Speaker.

The Speaker: Yes, Honourable Member.

Hon. Trevor G. Moniz: The Honourable Member has put his finger on perhaps one of the most difficult questions in this area of law, because what can happen is that within the family, in an effort to protect the victim, quite often the perpetrator is also protected. And these matters quite often are not best dealt with, ultimately . . . I am not precluding activity through the criminal court, but, ultimately, there needs to be a lot of counselling, therapy, et cetera, within families to correct this behaviour.

But obviously, if someone had predilections for interfering with children that they know who are within their family, people must step forward and take action. It is not going to help . . . Do not be mistaken to protect the victim and end up protecting the perpetrator. That is the situation that none of us want to see.

So people within families, I think, must be braver to step forward, to have a criminal prosecution and to get the counselling that the family needs. Ultimately, that is going to be the best course of action. So people must be prepared to speak out.

Thank you, Mr. Speaker.

WRITTEN ANSWERS

The Speaker: Thank you, Minister.

MP from constituency 33, are you done?

Thank you.

We now move to the next question. The Honourable Premier is to provide written responses to parliamentary questions from Mr. W. H. Roban:

- *Would the Honourable Minister please inform this Honourable House with the total number of CCTV Security Cameras that have been installed island-wide under the contract awarded to BAS-Serco as of 28th May, 2014?*
- *Would the Honourable Minister please provide this Honourable House with the expenditure to date under the contract awarded to BAS-Serco as of 28th May, 2014?*
- *Would the Honourable Minister please provide this Honourable House with the list of all sub-contractors with areas of responsibility doing work for the duration of the contract awarded to BAS-Serco?*

Next, Mr. S. D. Richards is to provide oral responses to parliamentary questions from Mr. C. W.

Brown. But the Member Brown is not here. So, therefore, Junior Minister S. D. Richards has asked to provide those answers in writing so that they can be given to the Member.

- *Will the Honourable Junior Minister please inform this Honourable House how many applications for Bermuda Status have been submitted to the Department of Immigration during the years 2011, 2012, 2013 and as of June 13, 2014 under Section 20B of the Bermuda Immigration and Protection Act 1956?*
- *Will the Honourable Junior Minister please inform this Honourable House how many applications for Bermuda Status have been granted during the years 2011, 2012, 2013 and as of June 13, 2014 under Section 20B of the Bermuda Immigration and Protection Act 1956?*
- *Will the Honourable Junior Minister please inform this Honourable House as to which job categories are currently closed categories in terms of work permit applications?*

The Honourable S. D. Richards is to provide written responses from the Honourable D. V. Burgess.

- *Will the Honourable Junior Minister please inform this Honourable House what is the total residential acres owned by non-Bermudians inclusive of Permanent Resident Certificate (PRC) holders?*
- *Will the Honourable Junior Minister please inform this Honourable House how many condominiums are owned by PRC's as at June 15th, 2014?*
- *Will the Honourable Junior Minister please inform this Honourable House how many condominiums are owned by non-Bermudians exclusive of PRC's as at June 15th, 2014?*

And that is all the questions.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: We move now to Congratulatory and/or Obituary Speeches.

The Chair will recognise the Honourable Minister of Community, [Culture] and Sports, Minister Wayne Scott. You have the floor.

Hon. R. Wayne Scott: Thank you, Mr. Speaker.

Mr. Speaker, I would like to offer congratulations to the Bermuda Track and Field Team, as well as the Bermuda Swim Team. Track and Field, of course, represented Bermuda at the 2014 CAC Junior Championships in Morelia, Mexico, which was from the 4th to the 6th of July, and returned home with a total of four medals—two gold medals both won by Kyra Scraders, and two bronze medals won by Jah-Nhai Perinchief.

I would also like to offer a special congratulations to Tre Houston, who actually is one of our top sprinters, who placed 68th of the top 100 international sprinters list for the International Association of Athletics. I would like to wish all the best to Mr. Houston, and of course, the 17 other athletes, as I stated earlier, that will be representing Bermuda in the Commonwealth Games.

Also, Mr. Speaker, our swim team, who just—both of these teams arrived back at the same time, on Tuesday evening, on the same flight. I greeted them at the airport. And our swim team competed at the 20th Caribbean Island Swimming Championships in Barbados, which started on the 3rd of July. The team itself placed sixth overall, winning over 20 medals.

Real quickly, Mr. Speaker, I would also, as the Minister responsible for Community and Cultural Affairs, like to congratulate the former Ombudsman, Ms. Arlene Brock, for being selected as the first Bermudian recipient to receive the prestigious Fulbright Scholarship, which of course, will allow her to spend a semester at Boston's Northeastern School of Law to participate and write a paper on the appetite and ability of ombudsmen to undertake complaints about internationally funded programmes and such.

So again, I would like to offer congratulations to all of those. And with respect to Ms. Arlene Brock, I would like to associate Ministers Gordon-Pamplin, Crockwell—everyone on this side, Mr. Speaker.

Thank you.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Minister for Tourism [Development] and Transport, the Learned Member. Minister Shawn Crockwell, you have the floor.

Hon. Shawn G. Crockwell: Yes, thank you. Good morning, Mr. Speaker.

Mr. Speaker, I would like to extend my congratulations to Mr. Stephen Todd, who has recently been hired to replace Mr. John Harvey as the new CEO of the Bermuda Hotel Association [BHA] and Hotel Employers of Bermuda. Mr. Speaker, we should all know that Mr. Todd has a very positive and well-known successful track record in business leadership in Bermuda—a former senior executive of the Butterfield Bank, as well as the President of the Chamber of Commerce. So, as the Minister, I look forward to continuing a very positive and successful

collaboration with the BHA under the new leadership of Mr. Stephen Todd.

Certainly, I would like to extend congratulations and well wishes to Mr. John Harvey, who will be leaving after 36 years of committed service to the BHA. I would like to wish Mr. Harvey all the best.

To Ms. Brock, I would like to also say, *Well done!* I believe this is the first time any Bermudian has been granted this Fulbright acknowledgement. I would like to extend congratulations to her. Thank you.

The Speaker: Thank you, Minister.

The Chair will recognise now the Honourable Member from constituency 33. MP T. E. Lister, you have the floor.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Mr. Speaker, I have three that I want to do, but two may have been done already. The first one is *Bernews*. *Bernews* was awarded the Best of Bermuda award 2014 for the best source in news.

The Speaker: Yes, that was done.

Hon. Terry E. Lister: That has been done?

The Speaker: Yes.

Hon. Terry E. Lister: Okay. I would like to join to that, a very worthy award.

The second one I am going to do, Mr. Speaker, relates to two ladies who have been appointed Executive Vice Presidents at Argus Insurance, Ms. Wanda Richardson and Ms. Kellianne Smith, both of whom [have] a lot of experience. They have worked hard in the industry. The Member Glen Smith, from constituency 14, would like to be [associated] as well, and Cole Simons, from constituency 8, would like to be [associated] as well. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Warwick [West], MP Jeff Sousa.

Mr. Jeff Sousa: Good morning, Mr. Speaker.

The Speaker: Good morning.

Mr. Jeff Sousa: And good morning to those in the listening audience.

Mr. Speaker, I rise this morning to ask this Honourable House to send congratulations to all those that were involved with organising the Portuguese Festival this last weekend in St. George's. I would like to associate the Premier. Actually, I would like to associate everyone on this side of the House, and I am sure the Honourable Member on that side would like to also be associated.

[Inaudible interjections]

An Hon. Member: *Tá bom.*

Mr. Jeff Sousa: *Tá bom.*

This festival has been going on in Bermuda for 19 years. It was started by Mr. and Mrs. Frank Lema and their son, Eugene Lema. I was honoured to participate in this celebration, holy celebration, on Sunday afternoon and late into Sunday evening. I must say for myself, being a strong Somerset supporter, the people of St. George's were quite friendly.

[Desk thumping]

Mr. Jeff Sousa: That might have been because on that day I did decide to wear blue and blue into St. George's.

[Inaudible interjections]

Mr. Jeff Sousa: Festivals like this, Mr. Speaker, have been taking place in Portugal and the Azores for the last 700 years. There [was a variety of] entertainment during the evening. There was actually an act from overseas, where you had a Canadian singer by the name of Sarah Pacheco, and her mother; and then also there were Bermudian entertainers like The Travelers and Caroline Araujo and Friends; and other young singers also. Traditionally, at this event, they have always given out free soup, and that is always well received. That is done on the bridge going out to Ordnance Island.

I made a point, Mr. Speaker, to get my fix of octopus stew, which is called *polov* and I did also have some *malazadas*, which is Portuguese doughnuts. And as we all know, in Bermudian terms, they taste well.

[Inaudible interjections and laughter]

Mr. Jeff Sousa: I am not going to be thrown off, Mr. Speaker.

I did make a point, Mr. Speaker, to buy some *pão doce* and also some egg bread to take home, which I have been having a little bit of every day, and it has been absolutely awesome.

But, Mr. Speaker, being a Bermudian of Portuguese descent, this was very humbling for me to participate, because I had never done the walk and the church service before. The whole reason this event started in the first place was to teach and allow Bermudians of Portuguese descent, like myself, to learn a little bit about their ancestry and their past. And this is very important for all of us, no matter what ancestry we come from.

So, in closing, Mr. Speaker, I would like to, once again, thank all those that organised this event, and would encourage everyone to go next year, which

will be the 20th anniversary of this Portuguese event. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Member from Smith's [South], MP Cole Simons. You have the floor.

Mr. N. H. Cole Simons: Thank you, Mr. Speaker.

Mr. Speaker, I rise this morning to send congratulatory remarks to Warwick Academy on achieving 100 per cent pass rate in the IB [International Baccalaureate Diploma] programme this year. The Honourable Education Minister . . . the whole House would like to be associated with this. Government Members and Independent Member would like to be associated with my comments.

Mr. Speaker, I would like to also send, while on education, special congratulatory remarks to Britney Ferreira and Wendy Tuxworth of BHS [Bermuda High School]. They achieved 42 out of 45 in their IB programme. And as anyone knows about this rigorous, difficult programme, this is a very, very high mark. At Warwick Academy, they had Lindsay Fisher and Russell Conyers. They achieved 41 out of 45. So I would like to send a special commendation to those four students. Having achieved those scores, Mr. Speaker, they are in the top 1 per cent performers of those students who took the exam internationally—not just locally, internationally.

So it goes to show that Bermudians are world-class achievers, and some of our schools are getting it right in regards to producing world-class results and world-class students. So, Mr. Speaker, I would like to, again, commend BHS and Warwick Academy and their four students for another year. This does not happen occasionally. These types of results come year after year after year. This is a consistent performance by those two schools, and their success must be acknowledged.

I would like to also associate myself with the comments made in regards to Arlene Brock, Stephen Todd, John Harvey, Wanda Richardson and Kellianne Smith. Thank you, Mr. Speaker.

The Speaker: The Chair will recognise the Honourable Member from constituency 2. MP Nandi Outerbridge, you have the floor.

Ms. Nandi Outerbridge: Thank you, Mr. Speaker.

Mr. Speaker, this morning I rise to ask that this Honourable House send congratulations to Miss Bermuda 2014—

[Desk thumping]

Ms. Nandi Outerbridge: Miss Sandys, Ms. Lillian Lightbourn. I attended the event last Sunday with the Premier and the Honourable Member from constitu-

ency 23, and I would like to associate them and probably everyone in this Chamber with my remarks today. The competition was excellent, Mr. Speaker. Not only were these ladies beautiful, but they spoke very well, and I am glad that these are our future.

Miss St. George's came close. She came in as first runner-up. I will accept that. But I just want people to know that this is no indication of what Cup Match will be like.

[Laughter]

Ms. Nandi Outerbridge: I also want to extend well wishes to Milika Trott-Seymour, the organiser of the event. This event was first class, Mr. Speaker, the entire way. The local entertainment was excellent. We really have some talent on this Island. So, I had a great time, and everything was well organised. And I just want to say *congratulations* for everyone who took part in the entire event. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will recognise the Honourable Minister of Education and Economic Development. Minister Dr. Grant Gibbons, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I had the pleasure yesterday of attending awards by the ACE Foundation, first of all for the ACE Bermuda College Education Awards. And that was given to Eron Woods, who is currently or will be attending Johnson and Wales. He is studying to become a pastry chef, had done a number of years at Bermuda College and was awarded out of a heavy field of the ACE Bermuda College Education Awards.

The ACE Robert Clements Scholarship was also awarded, and that went to Deondre Trott, who is currently at Georgia State. He is studying to be an actuary. Obviously, both young men are very accomplished in their own right.

There are some 25 students who have gone through the various ACE education award programmes. The Robert Clements Scholarship was started in 1996, from the 10th anniversary of the founding. Robert Clements, as you know, Mr. Speaker, was one of the founders of ACE back in 1986. So I would like to certainly congratulate both Deondre Trott and Eron Woods, as well as the ACE Foundation. I know the Premier, the Honourable Member, would like to be associated with those congratulations as well.

Mr. Speaker, while I am on my feet, I would also like to be associated with the congratulations to those students at both Warwick and BHS who have excelled in the International Baccalaureate programme. Those are stellar results, and I think we can all be proud of their accomplishments there.

Finally, Mr. Speaker, on a sad note, I would ask the House send condolences to the family of the

late Baroness Elizabeth Raben-Levetzau, whom some Members will know as "Lidge," a former constituent of mine, in Paget. Mr. Speaker, as you may have seen, she was a prolific letter writer to the *Gazette* over a number of years and was also very active in the community. I know the Honourable Member, Mr. Sousa, would like to be associated; Mr. Glen Smith as well. Anyway, a wonderful lady, and I ask that the family, son Beau (some know as Beau Evans), Christopher and Ian, all be sent condolences on behalf of the House. Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Deputy Speaker. MP Roberts-Holshouser, you have the floor.

Mrs. Suzann Roberts-Holshouser: Thank you, Mr. Speaker, and good morning.

The Speaker: Good morning.

Mrs. Suzann Roberts-Holshouser: I would like to say *my hats are off*, as I stand to my feet. I know Members of the House, and I have seen sometimes men, don their hats on a grand—as we open Parliament once a year. But hats were part of Bermuda's history. And two women in Bermuda, one being Ronnie Chameau and the other one, Donna Pink, who had a history of hats in Bermuda, they actually had an art show at the Bermuda Society of Arts. It was so successful, Mr. Speaker, that they are actually repeating their show. It will run from July 18th through to August 5th.

What is different about these hats is that they actually have created hats from natural fibres, from the coconut matting through to palmetto palms, which means weaving for long, tedious hours, using not necessarily the softest of materials. And the hats have been designed, which date back as far as the seventeenth century here in Bermuda, and hats worn in the [1700s] all the way up through to the 1950s.

Donna Pink has chosen the design of these hats by looking at pictures of hats worn from pictures taken of them throughout the centuries, and they have re-created these hats. So it is something that I think all of Bermuda should at least spend at least 15 to 20 minutes one afternoon, or one day, between the hours of . . . I believe the society is open from ten o'clock to five o'clock from July 18th to August 5th, if you have missed the opportunity. You will also have Ronnie Chameau available on hand, who will show some of the arts of weaving.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise, from Pembroke South West, constituency 20, MP Susan Jackson. You have the floor.

Mrs. Susan E. Jackson: Good morning, Mr. Speaker.

The Speaker: Good morning.

Mrs. Susan E. Jackson: I would like to send out congratulatory remarks to Sergio Harford. He is a star that is appearing on a new CBS network television programme, *Extant*. And he did a marvellous job. And to see a Bermudian standing face-to-face with such a renowned actress as Halle Berry was just a very proud moment for Bermuda. He certainly needs to be recognised for this.

Mr. Speaker, I would also like to send a message to all of our youth in Bermuda that if there is something out there that you want to do, that you can put your mind to it, get up, do what needs to be done, and reach those goals. And he is being a role model for us all. It is possible to reach the highest heights. We just have to keep at it. We have the talent. We have the fortitude. Our young men, in particular, can do all that they want to do. There are lots of positives in the world, and Sergio Harford is certainly exemplifying that. So, congratulations to him. Thank you.

The Speaker: All right. Thank you, Honourable Member.

The Chair will recognise the Honourable Minister of Health. Minister Jeanne Atherden, you have the floor.

Hon. Jeanne J. Atherden: Thank you, Mr. Speaker. I have two congratulations that I would like the House to send.

One is to the Speech Language Pathology team on achieving the Best of Bermuda 2014 Award for the Best Government Service. Mr. Speaker, this department does a really good job as it relates to helping our youngsters between [ages] two and four to get the type of help that they need to be able to deal with cognitive abilities. So, this is really good that they were recognised.

The second thing, also, as it relates to health and healthy people, I just want congratulations to be sent to the jump rope team called the Bermy Bouncers. This is a team that has only been in existence for one year. And they competed in the World Jump Rope Championships in Orlando, Florida. The Minister of Community and Cultural Affairs would like to be associated with this.

Mr. Speaker, I think it is really important to note that there were countries from all over the world, from Japan to Germany, US and Canada. Most of the kids medalled, many of them taking first place. And four of the boys actually made it to the Grand Championships, which is the best of the best: Liam Cleash,

Miles Smith, Yusef Bushara, and Sebastian Lee. The Bermy Bouncers represented the country well.

Mr. Speaker, I think what is really truly significant about this is that jump roping has really grown. If you stop and think about how easy it is, you do not have lots of equipment that you have to take. It is a lot of practice and dedication. But too often, you have sports that make you healthy, but you really need equipment, et cetera. So the Bermy Bouncers really represented Bermuda well, and congratulations to the team, which is coached by Sionna Barton.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

The Chair now recognises the Honourable Member from Devonshire North West, constituency 14, MP Glen Smith.

Mr. Glen Smith: Thank you. Good morning, Mr. Speaker.

The Speaker: Good morning.

Mr. Glen Smith: I would like to send congratulations today to the organisers of the Bermuda Big Game Classic. I believe this is their 14th year coming to Bermuda. I would also like to thank Mr. Dan Jacobs for being the one that has stuck through for numerous years to make sure this event is successful. I would like to associate the Honourable Member from constituency 10, constituency 27 and, I am sure, constituency 31.

Mr. Speaker, there are over 40 boats here that have travelled from the US, which brings in about \$6 million to the economy in just four weeks, which is quite amazing. I would also like to congratulate the winner of the first tournament, the Bermuda Billfish Blast, which is Mr. Bull Tolson of *Sea Toy*. I would also like to congratulate Mr. Ricky Sousa, who is a local boat [owner], who came in second with his win at this tournament. This tournament is on today and will continue and finish up next weekend.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Minister, the Attorney General, the Learned Member, T. G. Moniz, you have the floor.

Hon. Trevor G. Moniz: Thank you, thank you.

I would just like to give congratulations and recognition to the Centre for Justice. They held a one-day conference on human rights yesterday at BUEI [Bermuda Underwater Exploration Institute]. In particular, I would like to congratulate the person in charge, Venous Memari and also Richard Ambrosio for organising that.

There were a variety of speakers there, including the Chief Justice and the Magistrate, Juan

Wolffe. In particular, there were two persons who came from overseas. We had Dr. Hughes, I think Dr. Caitlin Hughes, from Australia, who had done research on the effect of decriminalisation and legalisation of drugs such as cannabis, et cetera, in countries like Portugal, which was very, very useful information for us here in Bermuda. There was also a Dr. Nicola Barker, who I think hails from the University of Southampton in the UK, who does studies with respect to gender equality, looking at issues to do with sexual relations and same-sex marriage.

So I would just like to congratulate them on a forum that was very informative and well attended. I think there were about 70 people there.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister of Public Works. Minister Gordon-Pamplin, you have the floor.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I would like to associate myself with the remarks of congratulations offered by the MP from constituency 2, but in particular to say that I had the privilege of attending that Miss Bermuda Pageant. And I think that it was—

[Inaudible interjections]

Hon. Patricia J. Gordon-Pamplin: Please, Member.

[Laughter]

Hon. Patricia J. Gordon-Pamplin: The Honourable Member is just reminding people that I actually am human, Mr. Speaker, because there are some things that happen that are really quite emotive.

But I would like to offer congratulations to Cami Bean-Caines, who won the title of Miss Hospitality. And to hear her passion about the job that she holds at The Reefs, it was really quite incredible to know that our hospitality industry is in such good hands. She said that her whole purpose is to ensure that any negative that is experienced by a guest is turned into a positive. And I think that that attitude will, should that permeate throughout our entire hospitality industry, it will certainly bring us back to the top of our game in terms of being the best of the best in terms of tourist destinations. I think that her answer was absolutely brilliant.

As for Ms. Lightbourne, Miss Bermuda, she also managed to win the titles of Miss Photogenic, as well as the People's Choice. So, really, not only did she win the judges' hearts, but she had also won the hearts of the people of Bermuda.

In addition, let me also recognise Cocy-Lynne Simmons, who won the title of Miss Congeniality. I

think that when members vote among themselves to choose that member in the competition who stands out in their mind as being exemplary, I think that that also needs to be recognised. That competition was one, Mr. Speaker, that any one of the eight contestants could have won. I think it spoke to the quality, it spoke to the poise, it spoke to the intellect of each and every one of the contestants. I think each one of them deserves a hearty congratulation.

Thank you, sir.

The Speaker: All right. Thank you, Minister.

The Chair will now recognise the Honourable Premier. Premier Dunkley, you have the floor.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, colleagues have already associated me with comments of congratulations, and I just want to take a couple of seconds to piggyback on the comments by my honourable colleague from constituency 20, Susan Jackson, in regards to Sergio Harford and his performance in the television series *Extant*, which started just a few days back.

It is certainly a wonderful opportunity, and it goes to show that, in spite of the challenges in that industry—I think we are all well aware of the challenges in that industry—that if you stick to it, Bermudians, we can do anything around the world. So I look forward to going out of my normal routine and maybe watching something other than sports on a Wednesday night, to see a young Bermudian standing up side by side with Halle Barry. Interestingly enough, the producer is Oscar winner Steven Spielberg. So it is a first-class show.

I would also like to piggyback on MP Davis [Outerbridge], from constituency 2, and my colleague in Cabinet, MP Pat Gordon-Pamplin, from constituency 23, in regard to Miss Bermuda. And specifically, while I support all the contestants, I was certainly also very pleased at the level of organisation in the programme that was presented on Sunday night. It was a very entertaining night, and I thought that the MCs Naranja Bailey, and *Power Girl* [Patrina O'Connor-Paynter] certainly did a wonderful job with some good humour. I especially enjoyed when Naranja broke out in some Jamaican music, which was quite interesting to see him dance onstage.

Mr. Speaker, I want to take this opportunity to send congratulations to the Department of Corrections in the recent GED graduation that I had the opportunity to attend on Wednesday and say a few words there. There were seven individuals that graduated; only five were there at the time. Certainly, the Department of Corrections should be applauded, and specifically, Ms. Shawnette Somner, who is the Education Officer there, and her team, for a wonderful job continuing to help turn lives around. This is the second opportunity I have had to be there, and I was delighted to see the emotion in the individuals who re-

ceived the awards. And I think it sets them on a better path in life. I would like to associate MP Kenny Bascome with that and certainly include in the letter congratulations to the Parole Board and the Treatment of Offenders Board, who were also in attendance.

Finally, Mr. Speaker, I ask this Honourable House to send congratulations to one of our own Members here, Mr. Glen Smith, and his partner in business, Mr. Alan Burland of Bermuda Engineering, and his overseas partners from Mahindra Reva electric, on the launching [ceremony] of the electric vehicle that Minister Crockwell and I had the pleasure of attending last night. [I was a] little bit nervous, because MP Smith asked for me to drive it from the Cabinet Office over to the showroom before this so-called ribbon-cutting ceremony. And when we got to turn in to the showroom, there he said, *They're going to open the front door, and you're going to drive right in.* And there were probably 50 to 100 people sitting right there, and I had to navigate between them.

Then, the ribbon-cutting was what appears to be the tradition in Bermuda now, to pour [Gosling's] Black Seal [rum] on something. So, congratulations! This is an environmentally friendly initiative that I think will not only help the consumer who wants a quality low-priced product, but certainly change the culture in Bermuda to look to be more user-friendly to our environment. Thank you, Mr. Speaker.

The Speaker: All right. Thank you very much, Honourable Premier.

That concludes Congratulatory and/or Obituary Speeches.

MATTERS OF PRIVILEGE

The Speaker: There are no matters of privilege.

PERSONAL EXPLANATIONS

The Speaker: No personal explanations.

NOTICE OF MOTIONS FOR THE ADJOURNMENT OF THE HOUSE ON MATTERS OF URGENT PUBLIC IMPORTANCE

The Speaker: No notices of motions.

INTRODUCTION OF BILLS

The Speaker: The Chair will recognise the Honourable Minister Wayne Scott.

BERMUDA NATIONAL LIBRARY AMENDMENT ACT 2014

Hon. R. Wayne Scott: Thank you, Mr. Speaker, for that slight delay.

Mr. Speaker, I am introducing the following Bill so that it may be placed on the Order Paper for the next day of Meeting: the Bermuda National Library Amendment Act 2014.

The Speaker: Thank you, Minister.

Are there any objections to that?

There are none. So the matter will be laid next week, will be on the Order Paper next week.

NOTICES OF MOTIONS

The Speaker: We did have one, but the Member is not here, so we will defer that.

ORDERS OF THE DAY

The Speaker: We move to Orders of the Day.

The first Order No. 1, is carried over.

We move now to Order No. 2 in the name of the Honourable Minister of Tourism Development and Transport, the Learned Member, Minister Shawn Crockwell. You have the floor.

Hon. Shawn G. Crockwell: Thank you, Mr. Speaker.

Mr. Speaker, I move that consideration be given to the Hotels Concession (Fairmont Hamilton Princess) Order 2014, proposed to be made by the Minister of Tourism Development and Transport under the provisions of section 4 of the Hotels Concession Act 2000.

The Speaker: Are there any objections to that?

There are none. So, Minister, please carry on.

CONCESSION ORDER

HOTELS CONCESSION (FAIRMONT HAMILTON PRINCESS) ORDER 2014

Hon. Shawn G. Crockwell: Mr. Speaker, the Order before this Honourable House relates to the Fairmont Hamilton Princess Hotel.

Honourable Members will be reminded that the aim of the Hotels Concession Act 2000 is to improve the overall tourism product by affording tax relief to hoteliers who reinvest in their property by development. Mr. Speaker, this is the second Hotels Concession Order that Fairmont Hamilton Princess has been granted in the past 12 months. The previous Hotels Concession (Fairmont Hamilton Princess) Order 2013 provided the company concessions for Phase 1 of their hotel's redevelopment.

Mr. Speaker, the hotel was purchased in 2012 by A&A Investments, and the company has delivered on its promise in a major way to embark on significant

plans to upgrade the property, in the process raising this iconic hotel's star rating, as well as improving Bermuda's overall marketing appeal.

The work carried out to date in Phase 1 has been a major boost to Government's effort to support the redevelopment of the hotel and tourism infrastructure on the Island. Mr. Speaker, undoubtedly, the concessions granted have stimulated and incentivised the owners to move forward with their redevelopment plans, and it is quite possible that the project may have been deferred or not undertaken at all without access to concessions.

Providing tax relief for hotel development or redevelopment has become customary globally, as more countries have turned to and focused on tourism to grow and expand their economies. With the increased global competitiveness in tourism, Bermuda must be willing to work with developers to improve our properties and local products that ultimately provide employment opportunities.

Mr. Speaker, Phase 1 is almost complete, with the marina (which is the final part of the development) scheduled to be completed in August of this year. The recently completed new harbour-side restaurant, 1609, has 30 employees, and the Phase 1 redevelopment employed between 125 and 200 contractors and workers at any one time.

Mr. Speaker, this Order before the Honourable House covers Phases 2 and 3 of their major redevelopment plans. The scope of this concession includes:

- creation of a new signature restaurant in the Gazebo Lounge, endorsed by a celebrity chef;
- completely rebuilding 90 rooms and suites in the Gazebo Wing, with upgraded services and all new fixtures, finishes and furnishings;
- replacement of mechanical systems in the back of the house;
- reformatting the existing courtyard between the main hotel building and the harbour front;
- creation of a new, larger spa facility, with a modern gym; and
- renovating the existing retail space and meeting rooms.

Mr. Speaker, the projected employment opportunities for Phases 2 and 3 are as follows:

1. Back of the house upgrades—16 general contractors and subcontractors from different firms and trades will be involved. So, up to 30 or more people will be involved at some time during the year.
2. Gazebo Wing renovations—an average of 45, with a maximum of 60 people. Counting delivery and off-site activities, there will be 100 different people involved at some time during the year.
3. Central court and plaza—46 people maximum at any time, but allowing for finishing trades,

landscaping, et cetera, there could be up to 70 different people involved at some time during the year.

4. The Marcus Samuelsson restaurant—60 people maximum at any time, but allowing for kitchen, extensive finishing and specialist trades, plus furnishing, there could be over 150 different people involved at some time during the year.
5. Heritage Court—there will be some overlap with the Marcus Samuelsson restaurant, but it is reasonable to assume an additional 20 to 50 different people will be involved at some time during the year.
6. Ball and Princess Rooms—15 people onsite and 40 different people involved at some time during the year.

Ultimately, Mr. Speaker, Phase 2 will involve much more work, and, therefore, will employ more contractors and workers, approximately 180 to 300 people. The company expects to commence Phase 2 on September 1st of this year, with an anticipated completion date of April 30th, 2015. Phase 3 work is due to start in the fourth quarter of 2015, and anticipated completion is March 31st, 2016.

Mr. Speaker, this Order provides for concessions in the amount of \$11.2 million, subject to conditions, which is calculated on the projected value of the development improvements of over \$40.1 million. This commitment is critical and in line with this Government's strategy to develop the tourism product and assist with defraying the exorbitant costs of maintaining an infrastructure that addresses changes in consumer trends. It is also needed to sustain Bermuda's tourism for future generations.

With that, Mr. Speaker, I thank you.

The Speaker: Thank you, thank you, Honourable Member.

Are there any other Members who would care to speak?

The Chair recognises the Honourable Member from constituency 33. MP T. E. Lister, you have the floor.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Mr. Speaker, I support this concession being brought here today. The Minister will recall that I have asked questions about the concessions in the past, and that will not change today. However, overall, I am in support. I am in favour of seeing this development in the hotel. I am in favour of seeing money being spent in Bermuda, circulating in the economy. This is all good.

The work that is to be done at the hotel will, as you know, allow it to hold its price points. We cannot continue in business by discounting, discounting, discounting, because, ultimately, you do not have a

bottom line. You are just paying the staff, paying Telco, paying BELCO, and trying to keep your relationship with your banks happy. That is no good. So, this investment will restore the quality, the beauty, the wholesomeness of this facility. So I support it 100 per cent.

The Fairmont Hamilton Princess has always been regarded as the prime business hotel for Bermuda. And with the international business being the lion's share of the foreign exchange earner for Bermuda, the lion's share of the driver of business in Bermuda, it is again a good thing to have this property back up to snuff, to ensure that the international business community feels that they are getting value for dollar when their guests and their members stay at the property.

I am pleased to note that this work will see up to 300 people working onsite between September 14 and April 15, and then again in the fall/spring of 2015/16. This will give our people a chance to get back to work. The jobs are temporary, but all construction jobs are temporary. Once you finish the building, you have got to move on. But it is a good thing, as has been said.

Much acclaim has been given to the restaurant, 1609, which was completed during Phase 1. I am yet to hear anything negative about it. The Minister points out that it employs some 30 people. I would be interested in hearing from the Minister the extent to which Bermudians have been employed in that area. This is always a concern for us in tourism, in that certain job categories seem to be devoid of Bermudians. So we do not want to see ourselves in a position where we are creating temporary constructions jobs, which are healthy and well-paying jobs, and then creating permanent tourism jobs that do not pay well and filled by non-Bermudians at a time when we have 3,500 Bermudians unemployed. So we have to get that balance right.

Mr. Speaker, I have a question, which is probably best answered by the Minister of Finance, though I am sure the Minister carrying this motion today can deal with it. And that is, Will this project fall in line with the payroll tax relief that the Minister discussed (I believe it was last week—was it last week, Minister?) . . . that he brought last week, where he said, *Projects of national interest will get this benefit*. Now, this is a \$40 million project. I do not know if that is the cut-off for a project, a major project of national interest. So the Minister can inform us.

In fact, it is probably best that the Minister of Finance stand and give us an answer (do you not think?) rather than putting it on the Minister of Tourism. So I would be happy to see the Minister of Finance tell us whether this qualifies, and why it qualifies and why we should lose additional tax revenue for the greater good, because that is obviously where the argument lies.

Mr. Speaker, if you will give me permission, I just want to delve into one particular area in the concession itself. It is clause 3(1)(c). Clause 3(1)(c) talks about the hotel occupancy tax being waived, given away, so to speak, in order for the company to invest money in the marketing of the hotel. Now, it reads in the last three lines, “. . . for an amount equal to the sum expended by the hotel developer on marketing the hotel redevelopment, up to a amount not exceeding \$1,850,000.00 in each year . . .”

Now, this is for five years, and \$1.85 million for five years is, I think, \$9.25 million. The overall concession is \$11 million. So this is really where it is. The rest of it is, you know, a little bit compared to this.

So, what this is saying is that, if the hotel developer spends \$1.85 million on marketing the property, they can get a credit for \$1.85 million. My question, which I put to the Minister, is, What was spent in the last two or three years? So, let us say, for instance, the actual amount spent in the last three years was \$2 million, and then, after this concession, the amount spent is \$1.895, \$1.8 [million], \$1.9 [million], what are the people of Bermuda getting for the \$1.85 [million] we are giving up? Are you with me, Mr. Speaker? Yes! In other words, if they are spending \$2 million now, and we give them credit for \$1.85 million, what we have done is given away our money. We have gotten nothing back, because the \$2 million was always going to be spent.

So, this clause, in fact, is poorly drafted. And it was drafted by the Progressive Labour Party way back in 1999. You know, I sat on the committee. I doubt if it is much different from that. But that does not mean it cannot be called wrong. It is not quite right, in that the concession should be for [supplementary] work, additional work. Do you see what I mean? So if I always spent \$100, and you come and offer me a concession, I should get a concession started when I spend the \$101st dollar. Yes? What is the point in you giving me a concession for the first \$100 that I already spent? You are getting nothing back for that.

So, Minister, I would like to know, how much was spent in the last three years, and, therefore, the benefit that the country is going to get from us giving away \$9 million over the next five years.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Would any other Honourable Member care to speak?

The Chair will recognise the Honourable Member from constituency 2. MP Nandi Outerbridge, you have the floor.

Ms. Nandi Outerbridge: Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of this concession today. But what I want to talk about, Mr. Speaker, is what I look for when travelling around the world. When I am booking hotels or travelling, not only

am I looking for something safe and something clean, but I am also looking for something modern and cheap, which has amenities at the hotel. So if I do not want to go out for dinner, Mr. Speaker, I can have dinner at the hotel, not at the same restaurant every night. So I am always looking for options.

Mr. Speaker, I have had the opportunity to go to Fairmont Hamilton, the new restaurant, 1609, and I was actually impressed by the ambiance and everything that they had to offer.

Mr. Speaker, I do not know how many Bermudians are employed at 1609, but I can tell you that when I went, I was greeted by Bermudians and taken to my seat. So I just want to stress the fact that it is important that Phase 1 is completed and was completed correctly. Because we cannot have outdated product and expect people to still come to our country. So these phases put us on the map competitively, like globally, Mr. Speaker, for places around the world.

Now, I want to kind of narrow in on the importance of tax concessions. Looking at [clause] 3(1)(a), Mr. Speaker, the customs exemption, I just want to take note that this concession is effective immediately. I want people to know that. There are no conditions to be met for this concession. So while people are going out to bring in tile or things of that sort to help build the hotel, I want people to understand that Bermudians will be getting hired to put this construction in place. And that is what this concession offers.

What I also wanted to note is, in [clause] 3(1)(b), the land tax concession, for the next couple of concessions that go down, I think it is important that people note that the condition is that these concessions do not start until redevelopment is completed. So these concessions begin when the redevelopment is completed and are going forward five years thereafter, the opening date, as noted.

When it comes to [clauses] 3(1)(c) and 3(1)(d), I notice that the Honourable Member that just took his seat was kind of questioning, what do we get for the marketing that is given? So, first, I just want to note that he read where it says, *it is equal to and up to allowed*. Often, people get it confused that we are kind of giving our money away, and that is not what we are doing. "Equal to," meaning if that hotel spends \$100,000 in advertising, that that is all that they will get the break for. Allowing up to \$1.8 million actually benefits us, because this is going to push hotels or developers to want to market more, spend more money on marketing, because they have a higher tax relief coming back to them.

What we are getting from this, Mr. Speaker, is when they are marketing the development and the hotel, they are also marketing Bermuda. Bermuda is being marketed as well at the same time. So to say that we are not getting anything for it, I have to disagree with that. So I think we have to actually just take a further look at that.

I also want to note that these people do not get the concessions until audited financials are produced. So we are not just giving funds away, and this is the amount, this is what they get. They have to bring in audited financials. We have to look at it carefully, the checks and balances. And then the concession breaks are given.

I also want to run over [clause] 3(1)(d) for local entertainment. This is similar to marketing as well. You are getting your concession break based on the local entertainment that is provided. When I worked at The Reefs, Mr. Speaker, I enjoyed the local entertainment. I was a bartender, so I got to see the local entertainment first-hand. I enjoyed Tony Bari. And this also gives us an opportunity to be able to use more local entertainers, knowing that they are going to get a tax concession for them. So I agree with this—100 per cent! I just want them to note that this is not exceeding \$90,000, which is laid out in the Order.

Then to just move on to the payroll tax exemption, in [clause] 3(1)(e), I know that everybody is exempted from payroll tax exemption at this point, I believe, all the hotels. But this clause is good that it is in place only for, if the Minister of Finance decides not to move forward with payroll tax concessions in the future, this Order saves that. So that works. And that is allowed up to \$200,000.

Mr. Speaker, not only is everything that we are doing in this Order good for Fairmont Hamilton, but it is good for the tourism [product], it is good for our economy, which makes it good for Bermuda. Thank you.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Minister for Education and Economic Development. Dr. Grant Gibbons, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I am rising because I would like to, first of all, commend the Minister for bringing this forward, but also commend the Princess and A&A Limited (the Greens, that is) for moving along and, as the Minister said, delivering on their promise to upgrade the property, which as you know, Mr. Speaker, having been in the hotel industry, is an important and continuing issue.

I think, certainly, Phase 1 (for those who have not had a chance to get down there) is wonderful. I think particularly the marina, which will be finished, according to the Minister, in August, will be an important part of our America's Cup bid as well, because the super-yacht piece of this was very important in San Francisco. They added millions of dollars to the San Francisco economy as a consequence of, essentially, mooring in the San Francisco Bay area over a period of time and spending a lot of money, because

as we all know, folk who can afford these things have a fair amount of discretionary income to spend.

So whether it is the Princess group and the marina that they will be finishing there in August, or indeed (we will be talking more about it later), the South Basin group, I think there are a number of initiatives which are going to help us a lot towards effectively strengthening our bid on the America's Cup thing.

I would simply like to underscore a couple of comments that the Honourable Member from constituency 2 made, as well. And that is, while these Concession Orders have a lot of numbers flying around, in essence, what they are doing is saying to the developer, *We will give you an offset or a credit against payroll tax, land tax, occupancy tax on the basis that you spend it on things like the training of Bermudians, on marketing for the hotel and on Bermudian entertainment, as well.* So, in essence, we are getting a benefit out of it.

But at the end of the day, Mr. Speaker, these improvements and these renovations have to be looked at from a financial perspective. What the developer, whether it is the Princess group or others, will look at is whether the investment they make and the money they will have to spend on that, will they be able to get an adequate return on it. Obviously, they have to stay in the business to some degree. But I think the amount of money they spend is going to be looked at from a financial perspective. And these offsets or these concessions are very important in terms of lowering their cost of investment.

As the Honourable Member, the Minister of Tourism and Transport, said, this incentive programme is quite important in terms of basically their decision-making as to whether or not this is financially viable for them. I take the Honourable Member's point that, obviously, there could be improvements in it; there are [different] ways to look at this. But overall, the net effect is to help facilitate these projects. And of course, we and the Princess group—by "we," I mean Bermuda—have an aligned incentive here. We want them to upgrade the product. We want them to have a product which is more attractive to visitors and makes us more competitive. So, all of these things, in addition to Bermudian entertainment, Bermudian training and marketing, are all very much in line with what I think, broadly, we would like the Island to do.

So I think this is actually very exciting, Mr. Speaker. I think, as the Honourable Member said, they certainly delivered on Phase 1. We look forward to Phases 2 and 3, another \$40 million being spent, more jobs and certainly a better product for both the Princess group and Bermuda.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Minister.

Are there any other Honourable Members who would care to speak?

I then move back to the Minister, the Minister for Tourism Development and Transport. The Learned Member, Minister Shawn Crockwell, you have the floor.

Hon. Shawn G. Crockwell: Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank Honourable Members for their support of this Order and for their remarks.

I also would like to echo the comments of the Honourable Member who just took his seat, as it relates to the investment and commitment that the Green family have demonstrated to Bermuda, to tourism. Over the past year and a half, as I have travelled, Mr. Speaker, and people were asking, *What's going on? What's new in Bermuda?*, I always had the redevelopment of the iconic property as a reference. And certainly, with this marina that is going to be coming onsite shortly, very fortuitous to be coming at this time, particularly as Bermuda is in line to host the America's Cup, it would be a great thing for them.

Sometimes, you know, there is a saying that *you cannot take advantage of an opportunity unless you are prepared for it.* Certainly, they have prepared, and, hopefully, they would reap the benefits, particularly for that initiative.

In relation to the questions by the Honourable Independent Member, who has always had a keen eye on this, and I appreciate his questions, I think he asked a very interesting question in terms of, what is the normal spend of hotels as it relates to marketing, particularly those who are applying for a concession where the condition is you have to spend on marketing? We will look into that and find out exactly what the spend has been. But we know that it has been sort of a perennial complaint that people have the sense—and I am not saying that this is the case. But people have the sense that local properties do not do enough marketing. And historically, it has been that the Government would spend the marketing dollars for the destination and the hotels would benefit from that.

I do believe that hotels do more marketing than we know. They do so online and through different providers like Expedia, Mr. Speaker, and it can be quite expensive. So this type of exemption is important to hoteliers. But certainly, as the Honourable Member from constituency 2 highlighted, by having this particular concession, and by placing it at a significant threshold, it incentivises the hotels to market more. And the more that they market their particular property, [the more] they are also marketing the destination as well. So I believe it is a win-win. But I think the question was a carefully thought-out one, and I will certainly endeavour to get the specific answer.

In terms of what has been spent over the past two or three years, because the completion of those particular Orders will not occur until later this year—I

believe it is August of this year when Phase 1 comes to an end—we will not get the exact figures of what they have spent on marketing until that is done. But once we do get those figures, Honourable Member, I will bring them to this Honourable House.

So, Mr. Speaker, I believe we have addressed the specific questions. In terms of the payroll tax, this company will have the same opportunity like all other properties or like all other construction companies to apply for a payroll tax relief. And that is subject to the wise discretion of the Finance Minister.

Mr. Speaker, I now . . . Pardon me, Mr. Speaker.

[Pause]

Hon. Shawn G. Crockwell: Mr. Speaker, I now move that we go into the Committee . . . no. No Committee; we just go right into the [clauses]. My apologies, Mr. Speaker.

So now I would like to just go [clause] by [clause], Mr. Speaker, with your indulgence.

The Speaker: Carry on, Minister.

Hon. Shawn G. Crockwell: Thank you, Mr. Speaker.

Mr. Speaker, [clause] 1 is the standard citation clause.

[Clause] 2 is the interpretation clause. Honourable Members are invited to take note that the developer's application, submitted under section 3 of the Act, defined the hotel's Phase 2 and [Phase] 3 redevelopment as (a) creation of a new signature restaurant in the Gazebo Lounge, endorsed by a celebrity chef; (b) refurbishing mechanical and electrical equipment and systems in the back of the house; (c) completely rebuilding 90 rooms and suites in the Gazebo Wing with upgraded services and all new fixtures, finishes and furnishings; (d) reformatting the existing courtyard between the main hotel building and the harbour front; (e) creation of a new, larger spa facility with a modern gym; and (f) renovating the existing retail space and meeting rooms.

[Clause] 3 sets out the developer's entitlement to concessions. [Clause] 3(1)(a) relates to relief from customs duty; [clause] 3(1)(b) land tax relief relates to relief from land tax; [clause] 3(1)(c), Hotel Occupancy Tax I, refers to a capped relief from hotel occupancy tax for the hotel equal to the sum expended by the hotel on marketing the hotel; [clause] 3(1)(d) Hotel Occupancy Tax II, this capped relief is directly related to relief from hotel occupancy tax for the hotel equal to the amount expended by the hotel on entertainment provided by Bermudian entrepreneurs; [and clause] 3(1)(e) payroll tax relief, this relief is directly related to full exemption from the employer's share of payroll tax equal to the amount expended for training Bermudian employees.

[Clause] 4, Mr. Speaker, sets out the terms and conditions required for the developer to qualify for the various concessions. Applications are provided with guidelines which set out these conditions.

[Clause] 5 amends Hotels Concession (Fairmont Hamilton) Order 2013. The Hotels Concession (Fairmont Hamilton) Order 2013 is amended by deleting the words "Fairmont Hamilton" in the title and wherever else the words appear in the Order, and in each case substituting the words "Fairmont Hamilton Princess." This amendment also clarifies that the 2013 Order was only in respect of Phase 1 of this redevelopment.

The Speaker: Carry on, Minister.

Hon. Shawn G. Crockwell: Mr. Speaker, I now move that the Order be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: Right. Thank you, Honourable Minister.

Are there any objections to the Order being approved?

There are none. So the Order is approved, and the message will be sent to the Governor.

[Motion carried: The Hotels Concession (Hamilton Fairmont Princess) Order 2014 was approved]

The Speaker: Thank you, Minister.

That completes the consideration of the Hotels Concession (Fairmont Hamilton Princess) Order 2014.

We now move to Order No. 3. Order No. 3 is consideration of the National Occupational Certificate (Landscape Gardener) Regulations 2014, in the name of the Junior Minister of Home Affairs, Sylvan Richards.

Junior Minister Richards, you have the floor.

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, with your indulgence, I move that the consideration of the National Occupational Certificate (Landscape Gardener) Regulations 2014 and the consideration of the National Occupational Certificate (Designation of Occupations) Amendment Regulations 2014 be moved together.

The Speaker: Yes, yes, Honourable Member.

Are there any objections to their moving together?

No. So, carry on, please.

REGULATIONS

NATIONAL OCCUPATIONAL CERTIFICATE (LANDSCAPE GARDENER) REGULATIONS 2014

NATIONAL OCCUPATIONAL CERTIFICATE (DESIGNATION OF OCCUPATIONS) AMENDMENT REGULATIONS 2014

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, I move that consideration be given to the National Occupational Certificate (Landscape Gardener) Regulations 2014 proposed to be made by the Minister responsible for the National Training Board under the provisions of section 15(1)(a) and (g) of the National Occupational Certification Act 2004; and the National Occupational Certification (Designation of Occupations) Amendment Regulations 2014, proposed to be made by the Minister responsible for the National Training Board under the provision of section 4 of the National Occupational Certification Act 2004.

Mr. Speaker, national certification is a process used to assess individuals by using predetermined standards for knowledge, skills and competencies, resulting in a time-limited credential that is nationally and internationally recognised. The certification must be applicable to occupations included in the Department of Workforce Development Systems' Targeted Occupational List or determined to be an occupation that is critical, emerging or addresses a local need.

There must be a deliberate planning partnership between businesses in all industry sectors, education and the Department of Workforce Development in order to attract and retain targeted high-value industry and to sustain a strong knowledge-based economy. In order for Bermuda to remain globally competitive, there must be a shift of focus from only attaining academic certificates to earning occupational certificates that are concentrated towards specific abilities, knowledge and skills within a particular domain.

Mr. Speaker, one of the primary responsibilities of the National Training Board and the Department of Workforce Development is to assist in improving the quality and efficiency of Bermuda's workforce through training and retraining, as is sometimes necessary in the circumstances of changing economic activities. In that regard, the Ministry of Home Affairs is pleased to have initiated the concept of national certification with assistance received from local industry experts to address the need to develop standards that would introduce more proficient, competent and [safety-conscious] professionals in various occupations.

As a result, the National Occupational Certification Act 2004 received assent and bestowed upon the Minister the power to regulate and designate occupations requiring compulsory certification. In 2008, regulations for the automotive service technician, electrician, and welder occupations came into law and became fully operational at December 31st, 2009. The

National Training Board established occupational advisory committees for each of these designated occupations to advise the board on all aspects of training and to set the relevant standards and assessments for each.

Mr. Speaker, the consistent thread that links work permit holders with employment in Bermuda is certification. Employers seek employees who hold internationally accredited trade and professional certifications. This is only one of the findings recently released in the National Training Plan, Part 1. It can be argued that the growth of certification programmes is a reaction to the changing employment market. Certifications must be portable. We have set standards that are aligned with internationally accredited agencies to ensure that individuals can use their credentials in jurisdictions outside of Bermuda.

Mr. Speaker, you may be aware that the 2013 Bermuda job market employment statistics indicate that the total number of jobs filled in the category of *landscape gardener* is approximately 370. The number of Bermudian jobholders in this field is determined to be 108, or 29 per cent, and non-Bermudian holders are estimated at 194, or 52 per cent. These numbers exclude permanent residency certificate holders and non-Bermudian spouses. This occupation is considered critical to Bermuda's economy, and as a result, was included in the Department of Immigration policy *restricted category* list. In that regard, employers are allowed to apply for a one-year work permit for non-Bermudian applicants and consult with the Department of Workforce Development to ensure that suitably qualified Bermudians have been properly considered.

Mr. Speaker, it is important for individuals and business operators to stay in the know on products and technologies so that we can be the best that we can be to our customers, who insist upon excellence and quality. Obtaining certifications and training is a good methodology for ensuring this. National certification is valid for a period of five years. During the five-year period, individuals are expected to remain current with changing trends in their professions and obtain necessary training to ensure eligibility for recertification. Some important aspects of certification are to guarantee that trade professionals are working to national standards, as prescribed by the occupational advisory committees, or OAC.

The OAC comprises a team of industry experts that commit to meeting the following requirements:

1. Create or adopt a standard for a particular job category.
2. Deliver an assessment based on industry knowledge, independent from training courses or course providers.
3. Grant a time-limited credential to anyone who meets the assessment standards.

Certification confirms for employers and customers that individuals have met a certain level of competence and have demonstrated proficiency in their occupation. Employers can use certification in their recruitment process as a means to identify qualified candidates.

Mr. Speaker, in an effort to work synergistically, the Department of Immigration may also consider aligning some of its policies with the requirements for national certification to ensure that our guest workers can demonstrate competence in their occupation. This will assuredly minimise fraudulent activity and provide a level playing field in employment practices. Consumers should expect to encounter a more qualified professional tradesman, increased safety awareness and, possibly, reduced expenses. A nationally certified technical workforce adds credibility to industry.

Mr. Speaker, in an effort to reduce the reliance of work permit issuances and in preparation of the regulations being effected, a certificate in basic horticultural programme was introduced in August 2011 to the Bermuda College catalogue of courses. The programme is designed to allow Bermudians to acquire essential knowledge and skills whilst working in this particular field. Graduates of this programme will possess the necessary skills, knowledge and aptitude to go on and challenge the national certification assessment.

Participants in this programme will experience a full curriculum that includes 15 core subjects that include English Language for the Workplace, Applied Math, Soft Skills, Customer Service and Work Binder Presentations. Other subjects include Plant Anatomy; Maintenance of Shrubs, Trees, Ground Growths, Vines; Natives, Endemics and Invasive; Ornamental Grasses; Turf Grass; Soil and Nutrients; Operation and Maintenance of Equipment; Plant Propagation; Ground Preparation; Pruning; Weeds; Pests and Disease Maintenance.

Mr. Speaker, the department has worked closely with industry to set a national standard and to create a pathway towards gainful employment for those seriously minded individuals who are prepared to commit to contributing to the economic prosperity and achieving individual success.

Mr. Speaker, members of the Occupational Advisory Committee and the Landscape Association have taken a proactive approach and are gathering to provide in-house tutorial opportunities for their members to ensure that a high success rate is achieved in the national certification process. This movement will assuredly lower anxieties that may surface because of language barriers, level of academic capabilities, fear of testing procedures. The technical staff in the department is prepared to make this a simple process.

Mr. Speaker, the National Training Board will continue to carry out its core business of identifying, implementing, maintaining and upgrading the skills

and talents of Bermudians and working residents as we all contribute to the economic climate of this nation. National certification is an opportunity for us to foster and create a standard of excellence that we can all be proud of. The concept will allow us to shape the characteristics of our present and future workforce, particularly as it relates to technical and vocational areas of concentration.

With these brief remarks, I now invite other Honourable Members to participate.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Would any other Honourable Member care to speak?

The Chair will recognise the Honourable Member from constituency 28, Warwick West, MP Jeff Sousa.

Mr. Jeff Sousa: Good morning, Mr. Speaker, and good morning, Bermuda.

The Speaker: Good morning.

Mr. Jeff Sousa: I am certainly honoured to rise to my feet and add to this debate today, as I personally have been in the trade of horticulture and landscaping for the last 40 years. It is an industry that I am very passionate about and always have been.

Just to give people a little history of where we are at now, this all started back on *ad hoc* committee that was set up for a two-day workshop back in 1996. So this has been a long road to get to where we are now. I certainly would like to thank those that worked all those years to put this in place, who sat on the Horticulture Occupational Advisory Committee, people like Kevin Horsfield, Fiona Doe, Martin Brown, Allen Hughes, and others over the years. Again, it has been a long, tough road.

As mentioned by the Junior Minister, horticulture has advanced like any other trade in Bermuda. Gone are the days when it was readily accepted to use a machete to hack a hedge, or the days when I personally would prune around Elbow Beach with hand shears. Today we have weed trimmers, stick hedgers, pole trimmers, and so on. Not too often today will you see a landscaper using a broom; they use a blower. Also, in the past, it was common for people in the trade to use a 20-inch mower versus, you know, today you have 48-inch hydrostatic mowers, 60-inch zero-turn mowers. The trade has advanced in [leaps] and bounds. You have growth regulators for lawns. So it has become very technical, and it is very important that, you know, we have people that are trained.

Of course, this has really been highlighted in the National Training Plan, Part 1, Bermuda's first national training plan. I would encourage everyone to go and read that plan at www.gov.bm.

As has been highlighted, national certification is key as we move forward as a country. We need to continually [encourage] our people to take advantage of the opportunities that are there now. And, of course, there are going to be many opportunities as we, as an Island, rise up as a phoenix in the next couple of years.

I would like to give an example. Just yesterday, I hired a young man, Derrick Gibbons, who had received his certificate in horticulture from the Bermuda College in 2012. And I would encourage others in the landscape community to do likewise—hotels, other employers that may need a landscaper. This is key. So, I am so happy that this is taking place. I would like to thank the Director of Workforce Development, who is in the House of Assembly today, and in particular, Pandora Glasford, whom I personally worked with for many years now on this very topic, and others in the Department of Workforce Development. I can assure you, nobody is happier than myself that this is finally here. And this is something that is very positive for Bermuda. Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

Would any other Honourable Members care to speak?

The Chair will recognise the Honourable Member from constituency 33. You will be the last speaker before lunch.

Hon. Terry E. Lister: Mr. Speaker, I am happy to go to lunch now if you like, and I can start out after lunch.

[Laughter]

The Speaker: Oh, you are going to be longer than five minutes?

Hon. Terry E. Lister: I hope so.

The Speaker: Okay. Okay.

If Honourable Premier, or Deputy Premier, since, rather than his having to break [partway] into it, as he is going to go beyond five minutes, [adjourning] five minutes early will not hurt us.

Hon. E. T. (Bob) Richards: Mr. Speaker, I move that we adjourn for lunch until 2:00 pm.

The Speaker: Members, the House is now adjourned to 2:00 pm.

[Gavel]

Proceedings suspended at 12:24 pm

Proceedings resumed at 2:01 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REGULATIONS

NATIONAL OCCUPATIONAL CERTIFICATE (LANDSCAPE GARDENER) REGULATIONS 2014

NATIONAL OCCUPATIONAL CERTIFICATE (DESIGNATION OF OCCUPATIONS) AMENDMENT REGULATIONS 2014

[Continuation of debate thereon]

The Speaker: All right. We will continue with consideration of National Occupational Certificate (Landscape Gardener) Regulations 2014 and National Occupational Certificate (Designation of Occupations) Amendment Regulations 2014. And I will recognise the Honourable Member from constituency 33, MP T. E. Lister.

You have the floor.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Mr. Speaker, I am obviously in favour of these regulations here today. I was actually quite surprised when the Junior Minister made his presentation due to the depth and the length of the presentation. I was expecting a sentence or two and we would move on. So I felt compelled to rise because of it. I was not even going to speak on it, but my wife always says, *Give Jack his jacket*.

[Inaudible interjections and laughter]

Hon. Terry E. Lister: *Give Jack his jacket*. Yes. (Kim, you say that too? Well, there you go.) And it is a fair statement. There is no reason for us believe that the NTB [National Training Board] came into being in December 2012. The NTB has been around a long time and I do not want people to walk away thinking that that was the case. You will recall back in 1998 the NTB had one employee and we built it from there. We went around and developed relationships with colleges and technical institutions—

[Inaudible interjection]

Hon. Terry E. Lister: Well, '95 was the ACT. It was not very successful.

But, you know, you even have a graduate here today of CompuCollege, one of our schools. We had relationships with New England Institute of Technology [NEIT], a very fine institution where we had some people who went to NEIT thinking they were going to do an associate's degree and they enjoyed what they were learning, enjoyed what they were doing, and we paid for them to go all the way to master's degrees in some cases. This is the type of things that were going on.

We had fantastic technical programmes at Drake State Technical College in Huntsville, Alabama. You may remember that. And there were times when we would have as many as 15 students at Drake State.

We used to spend up to \$600,000 a year educating and training people in the trades and technical areas. And we did that because, like the present Government, we believed that was where the jobs were, that was where the opportunities were, that was where the direction of the development of countries [was headed] and so we put the money there.

However, one of the things we found out in 1998 was that some of the training that was taking place, and especially at the high school level, what CBA was doing (CedarBridge), what the children were being exposed to there was not relevant to industry. And you cannot train people with last year's textbook or last year's ideas. And so the key to the success of the National Training Board then and Workforce Development now is the... Sorry. What do you call them? ... The Occupational Advisory Committees. You bring in the people who are out in the field doing the work, who are running the companies, moving it in certain directions, and you get them to sign on.

One of the exciting things, for instance, about sending our youngsters to New England Institute of Technology was how we trained some young men to be marine engineers (to work on boats), and New England Institute of Technology had a relationship with Yamaha where before a motor actually got in the water on somebody's boat, New England Institute of Technology got it. And so our people there trained on those engines before they were even in the water. So that is what I mean by being relevant to industry.

The National Occupational Certificate Act was passed in 2004. That was 10 years ago and coming out of that we have certified various areas of technical training. This is another step today. I can recall we were training engineers. Some were Works and Engineering engineers out in Alberta and they spent a couple of years out there getting professional training.

You will also recall, Mr. Speaker, that we had a relationship—an MOU (Memorandum of Understanding) in fact—with the Province of Nova Scotia. We were able to send people to Nova Scotia for training, because they were suffering from a manpower shortage, and so they were quite willing to have our graduates stay and work for up to two years before returning to Bermuda. So these are the types of things that were being done to give us a relevant workforce.

Mr. Speaker, certification is certainly necessary to protect the consumer. You cannot just have people grabbing up a tool and saying, *I can do this* and *I can do that* and *I can do the other* and charging top wages. And so by going through this certification process, we ensure that people—that the consumer—when he hires or she hires a person to do a particular

job they can actually do it. And so today's moving forward in the landscaping area is yet another piece to it.

However, Mr. Speaker, there is one aspect that has been touched on which is the need for better ties between NTB, Workforce Development, and Immigration and the work permit issue. There is no real point in training people, in certifying people, if jobs do not exist. And so we need to create new jobs in Bermuda. We need to keep growing the economy, but at the same time we have to selectively look at existing jobs that may be held by non-Bermudians and see how we can swap Bermudians into those. That requires both of these sides sort of coming together to make sure it happens.

It is something that has to be handled very carefully because every time we invite someone to pack up and leave Bermuda, it means an apartment is becoming vacant. That is a landlord who is now challenged and now has to have a relationship with the bank that is not a very friendly or warm one. I would suggest that most Bermudians right now would say their relationships with the bank are not warm at all. So we certainly do not want to add to that. And so it has to be handled in a very careful way.

Mr. Speaker. I want to say this. I am satisfied that from what I am seeing, the Government understands this and is working towards this. The proof of the pudding always is in the... and so as we discuss areas that are being closed to non-Bermudians, as we discuss areas that have active and working Occupational Advisory Committees, what we will be looking to hear (or listening to hear) is how this will create jobs for Bermudians and how we will also ensure that we are not shutting down people whose businesses need people, but we are ensuring—and when I say “need people,” I mean people who are currently on work permits—but we are ensuring that as we transition people in, the business does not miss a beat, but actually goes forward having this Bermudian talent that is committed to the job.

Thank you, Mr. Speaker.

The Speaker: Thank you very much, Honourable Member.

Any other Honourable Member care to speak?

The Chair will then recognise the Minister again.

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank the Honourable Member from constituency 33 for his comments and his input and they were well spoken, and we will definitely incorporate them into moving forward. Because we do want to create jobs, provide opportunities for Bermudians, but also not hamper existing companies from being able to do their day to day business.

With that being said, Mr. Speaker, I move that the National Occupational Certificate (Landscape Gardener) Regulations 2014 and the National Occupational Certificate (Designation of Occupations) Amendment Regulations 2014 be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: Thank you, Honourable Member.
Are there any objections to that request?
There are no objections.

Therefore the regulations for the National Occupational Certificate (Landscape Gardener) Regulations 2014 and National Occupational Certificate (Designation of Occupations) Amendment Regulations 2014 will be forwarded.

Thank you, Minister.

[Motion carried: The National Occupational Certificate (Landscape Gardener) Regulations 2014 and the National Occupational Certificate (Designation of Occupations) Amendment Regulations 2014 were approved.]

The Speaker: We now move to Order No. 5.

Order No. 5 is the Pensions (Increase) Amendment and Suspension Act 2014 in the name of the Minister of Finance.

So the Chair recognises the Minister of Finance, the Deputy Premier, E. T. Richards.

You have the floor.

BILL

SECOND READING

PENSIONS (INCREASE) AMENDMENT AND SUSPENSION ACT 2014

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Pension (Increase) Amendment and Suspension Act 2014 be now read the second time and committed.

The Speaker: Ah, yes.
Are there any objections?

Hon. Terry E. Lister: Mr. Speaker, I object for the following reason: This Bill is of national importance. This Bill has caused concern across the Island. This Bill has seen us sit and watch the unions—the TUC [Trade Union Congress]—come on the news twice and tell us what they thought. And, Mr. Speaker, I would have expected today that the Opposition—the absent Opposition—would have been bringing a representation as they like to say, *on behalf of our people*. Well, they are not here and it is their fault they are not here. I accept that. But they are not here.

I have asked the Minister if he would be gracious enough, big enough, to hold this over for a week and to take it up next week so that the concerns of the people, as voiced by the TUC, could be raised by the Members of the Opposition.

Now, if they do not come next week and they do not make a case, then they do not make the case. But I am asking the Minister to hold off for a week. One week is not going to make any difference. We have been quite happy to go forward with the business we have done today.

There is another Bill coming which I think we should do, but this one I am going to ask the Minister to do it next week. If the Opposition is not here, then do it next week without them.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you.
Minister, what is your . . .

Hon. E. T. (Bob) Richards: Mr. Speaker, I am not responsible for those who are not here, so I . . . we have the people's business to do, so I propose we get on with it.

The Speaker: All right.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Government wishes, Mr. Speaker, that the Honourable House do now give consideration to this Bill, which is entitled the Pension (Increase) Amendment and Suspension Act 2014.

The primary purpose of this Bill is to suspend section 2 of the Pensions (Increase) Act 1972 until such time as the sustainability of the relevant plans have improved in order to eliminate the mandatory requirement for the Minister of Finance to provide a cost of living increase for pensions paid to retired government employees, former Ministers and Members of the Legislature, and *ex gratia* allowances.

Mr. Speaker, section 2(1) of the Pensions (Increase) Act 1972 (herein after referred to as "the Act") requires that the Minister of Finance shall review the rates of pensions against any rise there may have been in the cost of living during the two-year period ending June 30th. If in any review period the cost of living has risen by half of 1 per cent or more, then the Minister of Finance shall, by order, provide that pensions payable shall be increased in accordance with a formula set out in the Act. The formula calculates cost of living increases measured by the all items Consumer Price Index that is published by the Government's Statistic Department. Similarly, the Chairman of the Public Superannuation Board shall by order provide that pensions payable to persons in the Public Service Superannuation Fund shall be increased in accordance with the same formula.

Mr. Speaker, a review fell due on the 1st of July 2014. But considering the significant underfunded

and unfunded position of both the Ministers and Members of the Legislature Pension Fund [MMLPF] and the Public Service Superannuation Fund [PSSF], it has been determined that the Cost of Living Adjustment—the so-called “COLA clause”—should be removed for both current and future pensioners until such time as the sustainability of the plans have improved.

At this time, both the PSSF and the Ministers and Members Fund—their contribution to benefit structure—are not sustainable based on current and projected membership demographics.

Mr. Speaker, demographics are a powerful thing. Demographic shifts are an invisible yet powerful force that can and does have profound effects on society and society's constructs—constructs like pension funds and the health care service system—whereby the young and healthy finance and subsidise the benefits accruing to the old and infirm.

Today there are more old people relative to young people than there were 30 years ago. Now that is good news, that we are generally living longer and healthier lives, and spending longer in education and training, but this is making pensions more costly as we have to pay for them longer on the basis of shorter working lives. In both the private and public sectors, employers need to take steps to keep costs manageable for the long term. This action is just one step being taken to improve the sustainability of the PSSF and Ministers and Members Fund.

Mr. Speaker, the Government fully appreciates that this action will make life somewhat more difficult for people on civil service pensions, people that have dedicated many years in the service of their country. We know that health care costs are rising at an even greater rate than the general inflation rate and that those costs will cut into disposable income. We know that and that the circumstances are unfortunate.

Mr. Speaker, the Government also knows that the status quo is also unfortunate. In fact, the status quo is unacceptable because the status quo guarantees that someday in the future there will be no funding for retirees at all.

This is an example of what the SAGE Commission meant when it declared that promises will have to be broken. So this is the tough, difficult decision that has to be made. We can no longer kick the can down the road, Mr. Speaker. The decision that has to be made is to try to save the two pension funds in question to enable them to be more sustainable in the long term rather than to sit on our hands and pretend the inevitable will not happen.

Mr. Speaker, the status of both funds is as follows:

The status of the PSSF. The PSSF was only 32 per cent funded as of the 31st of March 2013. The estimated unfunded liability was \$1.08 billion. Plan assets total \$517.3 million and the liabilities were es-

timated to be \$1.6 billion. On our best estimates basis, the PSSF will run out of assets around 2043. The PSSF contribution to benefit structure is not sustainable based on current and projected membership demographics. The costs of pensions accruing to members increases as the average age of the membership increases. As baby boomers (such as myself) have moved through the system, the cost of pensions has increased while contribution rates have not increased. Employee and employer contributions are set at fixed rates, which have been negotiated and enshrined in legislation. The total expected contributions currently cover the cost of new benefits accruing to members and any excess is applied to reduce the deficit. However, any such excess is only enough to cover a portion of the interest on the deficit. Thus, the deficit under the PSSF will continue to increase and the funded ratio will continue to deteriorate unless contributions are increased or benefit levels are adjusted.

The status of the Ministers and Members Fund. The Ministers and Members Fund was 42 per cent funded as at March 31, 2013. The estimated unfunded liability as of March 31, 2013 was \$16.4 million. The Ministers and Members Fund provides the pensions earned on and after April 1, 1988. Plan assets total \$12.1 million and the liabilities are estimated to be \$28.5 million. The Consolidated Fund is responsible for the pre-1988 benefits, where the liabilities have been estimated to be \$6.4 million. Currently, Members contribute 12.5 per cent of salary and the Government matches that 12.5 per cent in terms of contribution for a total contribution of 25 per cent of total salaries. The 2013 valuation suggests that the cost of benefits earned by Members in the year following the valuation date is 40.4 per cent of salaries. The difference of 15.4 per cent of salaries increases the deficit each year under the Ministers and Members Fund. Note that the deficit also grows with interest each year at the assumed interest rate of 6.5 per cent per year.

Honourable Members are advised that the COLA provision adds about 23 per cent to the PSSF and Ministers and Members Fund liability. In dollar terms, the liabilities of the PSSF at the end of the fiscal year 2013 would have been lower by \$292 million while the Ministers and Members liabilities would have been \$6.5 million lower without the COLA provision.

In terms of sustainability, this should be considered as a necessary change at this time and would impact all members. It is fair to have it affect pensioners as well as active members as the plan was not in reality initially funded at the level required to fund pensioners' benefits when they retired. Based on this recommendation, no pensioner would receive a lower pension than they are already receiving.

The Government actuary and the SAGE Commission suggest that this change be made as soon as possible, freezing all pensions and pay at

current levels. This is not a change that should be phased in.

Mr. Speaker, the Pensions and Benefits Working Group was formed under the Public Sector Reform Initiative. This working group is in support of this recommendation which is in line with similar changes being made in the private sector where such employers that still offer the fine benefit pension plans are affected. This is the direction that many public sector plans are heading worldwide.

It should be noted that if other pension changes are introduced to the plans, it may be possible to restore some degree of indexation to all pensioners in the future depending on how the funded position of the Ministers and Members Fund and the PSSF and its long-term financial viability improves.

Mr. Speaker, it should be also noted that the PSSF and the Ministers and Members Fund Acts provide that if at any time the funds are insufficient to meet the payments chargeable against them, the deficiency shall be made up out of the Consolidated Fund. This obviously presents a level of comfort for pensioners in that the PSSF and the Ministers and Members Fund are fully backed by the Government. However, if sustainable issues for the funds—in particular the PSSF—are not addressed, the additional fiscal strain will be placed on the Consolidated Fund as any shortfall in pensions obligations will have to be covered by the Government. As a reference, in 2013 the PSSF paid out approximately \$68 million in benefits and it is projected that these benefits will increase to approximately \$130 million in 10 years' time and \$194 million in 20 years' time.

Mr. Speaker, we are not talking about insignificant numbers here. Honourable Members may recall that the Ministry of Finance had already started to address the problems associated with the PSSF. Based on actuarial advice, PSSF contribution rates were increased from 5 per cent to 8 per cent, and 9.5 per cent for regular members and uniformed officers, respectively.

Mr. Speaker, this was only part of a funding strategy to place the PSSF on a more stable financial footing by addressing the negative cash flow of the fund. Before this amendment, pension contributions only covered roughly two-thirds of pension benefits paid and amounts transferred out of the PSSF during each year. These shortfalls were made up by the Government, and in total Government provided relief to the PSSF in special contributions of \$87 million. Due to the above mentioned increases in PSSF contributions, the cash position in the fund has remained positive.

Mr. Speaker, as previously brought to the attention of this Honourable House, the increase in pensions contribution was only the first step in fixing this problem and it was noted that Government still has to address the unfunded liability incurred from prior non-contributory service and prior inadequate contribu-

tions. To this end, in 2012 the Ministry commissioned an actuarial review of the PSSF to ensure the future sustainability of the fund. During this review, the actuary performed financial projections to consider the following:

1. contribution rates required to sustain various funded ratios of the plan;
2. contributions required if the plan were closed to new entrants;
3. impact that changes to the benefits provided under the plan would have on long-term sustainability of the fund; and
4. level of benefits required to sustain the fund at the current contribution levels.

I can report that this review was completed and was used by the SAGE Commission to arrive at some of their recommendations.

Mr. Speaker, Honourable Members and the general public should note that there is no simple remedy to resolve the unfunded positions of the public sector pension plans. To assist with this review of these pension plans, a Pension Plans Working Group (which I referred to a few minutes ago) was established. The purpose of this working group is to review under the Public Sector Reform Initiative all public sector pensions plans, and make recommendations to Cabinet in order to ensure the sustainability of these plans and benefits in the manner that is responsible and fair to both the pensioners and members of the plans and Bermuda taxpayers. It is also noted that as part of this exercise, benefit design changes will also be considered for the Ministers and Members Fund.

It is important to note that the actuarial liabilities of the funds are based on the benefits earned up to the valuation date, assuming the fund continues indefinitely. Nevertheless, it is important that Government takes early actions to ensure that sufficient provisions are made to meet future pension obligations. This is exactly what the Government did when contribution rates were increased in 2006, which has had a positive impact on the sustainability of the fund.

We are, again, taking the required actions to ensure the future sustainability of the funds with this amendment.

Mr. Speaker, in closing, I wish to assure current and future pensioners, and the general Bermuda public, that the Government is sensitive to the challenges facing pension plans of this nature and the challenges facing pensioners themselves and will continue to monitor the financial position of the funds and, more importantly, take the required actions to ensure that the funds remain viable in the long term and meet the primary objective for which they were established, which is to pay pensions.

Mr. Speaker, these are challenging issues which the Government intends to address on a proactive basis and not shirk its responsibilities to secure the long-term financial position of the funds. Moving

forward the Ministry will formulate funding policies in a manner which is responsible and fair to both the PSSFs, the Ministers and Members pensioners and, of course, Bermuda taxpayers.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Minister.

Are there any other Honourable Member who care to speak?

The Chair will recognise the Honourable Member from constituency 14, MP Glen Smith.

You have the floor.

Mr. Glen Smith: Thank you and good afternoon, Mr. Speaker.

The Speaker: Good afternoon.

Mr. Glen Smith: I would like to say that I reluctantly approve this Bill.

Mr. Speaker, I say “reluctantly” because it is always difficult to take something away from someone after explaining the reasons why we have to do it, particularly to the retirees that have contributed to this fund for numerous, numerous years.

Mr. Speaker, this last week I kind of [performed] an exercise with an associate because I really did not understand how the Superannuation Fund worked. And with your indulgence, what I would like to probably do is explain it to the listening audience. I am not sure that I am 100 per cent right, but I know I am in the ballpark of how it all works. I feel a bit like Ross Perot, if I can pull my flip chart out right now, I think that would help me out tremendously.

Anyhow, Mr. Speaker, we have government employees, and in there are the civil servants, teachers, police, nurses and prison officers. And what they contribute along with their part of their proceeds, and [what] the government contributes, is into what they call the Superannuation Fund. And what that does, the monies that go into that fund and create assets. And how do we get assets? By purchasing stocks, bonds, money markets. And in order to make sure that we fulfil our obligations there is an actuary. And the actuary projects what that fund needs to do in order to contribute down to the retirees when they are ready to retire. And then at the bottom you have the pensioners or government retirees that receive these funds that allow them to live their day-to-day lives with that contribution.

Now what I would like to do, Mr. Speaker . . . I did go on the website. Unfortunately, I could only find information from 1998 to 2006, so in 1998 the government employees at the time contributed \$19.5 million. The assets available for the benefits were \$235 million. However, the actuaries are saying it should have been funded for \$365 million. So right there, Mr. Speaker, there is a shortfall of \$147 million and the actual payout was \$21 million. So as we all know,

what we put in at the bottom . . . you should always be putting more in the top than what you get out of the bottom, so there was a shortfall of \$1.5 million in 1998.

In 2006, the employees contributed \$29 million; assets available for the benefits were \$369 million. However, the actuaries were saying that it should have been funded at \$978 million, so there is a shortfall or a liability of \$610 million, while the actual payout was \$41 million.

So clearly between 1998 and 2006 (the numbers that I could find) there is no way that this fund is sustainable. And I have not even taken this up to 2013, but the Finance Minister has today.

Mr. Speaker, I just want to reiterate that the pensioners will still receive their current level of pension they receive today, minus the cost of living [increase] they would [have received] if we had not suspended it. So they are still getting what they are used to getting today; however, they will not be getting the increase that they are expecting.

Mr. Speaker, from the way I look at it (as I said earlier) this fund is on the verge of going bankrupt. And that way, with us suspending this for the CPI . . . you know, we cannot make the obligations that they are saying we have to make. So in order to halt the downward spiral, we have to suspend the CPI index today.

Mr. Speaker, as they have done with everything they have touched—and unfortunately they are not here today—the PLP Government paid out on the day without thinking or saving for tomorrow. Unfortunately, Bermuda, tomorrow has arrived.

Mr. Speaker, I know that the cost of living, the cost of health, insurance, utilities, rents all go up, but I can state right now without suspension we may not have a Government Pension Plan for these retirees and future retirees in times to come.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Are there any other Honourable Members who would care to speak?

The Chair will recognise the Minister of Public Works, Minister Patricia Gordon-Pamplin.

You have the floor.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I remember it was not very long ago when we sat on the other side of the House and having listened to the then-Government and the then-Finance Minister stand and bring a suspension of the government's portion of contribution to one of the pension funds. Because there was a recognition at that time that there was just not enough money and that the government, in trying to bolster the health of that particular fund or in order to ensure its longevity, would suspend government's infusion of money, but

employees (civil servants) continued to have their deductions from their salaries and hence their portion was paid in, but the government's portion was not.

That was almost a precursor to what it is that we are doing today. It is a question of looking at the health of the funds—both the Ministers and Members of the Legislature as well as the Civil Service and Superannuation—and recognising that if you continue to drain the fund without sufficient infusion of money, that eventually the fund is going to run out. It is almost, Mr. Speaker, like saying that in one's private life one gets a pay-cheque at the end of each month and that pay-cheque . . . you decide this month you have got . . . your bills will come to maybe 80 per cent of what your pay-cheque is and, therefore, you have got 20 per cent extra that you can put into the kitty to save for a rainy day.

And then the next month or the following month you have unexpected bills and, therefore, what your liabilities are, what your responsibilities are to pay, in fact, equate to the value of your pay-cheque and then some. And the only way to make that balance and still meet your commitments is one of two things—you have to moonlight and get another job (i.e., create more revenue), or you have to borrow to make up the shortfall. Those are the only two possibilities.

So, Mr. Speaker, our possibilities here, if we want to look in terms of creating a fund or pension funds—both of them—which are healthier and more sustainable, our obligations would be to increase the infusion of funds. So instead of . . . I think the Minister indicated we are at 12 per cent on one of the funds and there was—

[Inaudible interjection]

Hon. Patricia J. Gordon-Pamplin: [There was] 12.5 [per cent] on the Ministers and Members and there was another percentage on the Public Service . . . 8 [per cent] or 9 [per cent]. We either increase those deductions from those individuals so that there is more money coming into the fund, or we have to borrow in order to meet the obligations of the fund.

Mr. Speaker, when we are \$2 billion in debt and you start talking about borrowing additional money, what that does is not just frighten the life out of the rating agencies and make the Government question its ability to repay its obligations under its debt structuring requirements, but what is more important is that the more money you borrow, the more expensive that money becomes. And therein lies the fear, because while you may be able to get a reasonable rate of the cost of borrowing under present circumstances, borrow more money and those rates start to go up. So even if you start bringing in additional contributions to the fund, we find ourselves . . . we will always find ourselves falling behind the eight ball.

It is very difficult, Mr. Speaker, because many of us are either at the age of seniorhood or nearing it. And I know one of the major challenges that we have heard is, *Why are you always hitting the seniors?* And I know that there is nobody more pained and having to suffer more angst than the Finance Minister in having to bring this type of legislation in order to bring some sensibility into the sustainability of the funds. So it is not something that either the Minister—the Finance Minister and Deputy Premier—or the Government takes lightly. This is a very, very difficult step.

We have heard, Mr. Speaker, the cost of living is increasing. It is increasing and especially for seniors who do not perhaps (for the most part) have that additional source of income. Some have actually gone back out to work. But some do not have that additional income, so this pension [is all they have], and it will not get any less than what it is. It is important to understand that it will not be any less. The COLA will not be adjusted on a going-forward basis until there is evidence that the fund is really beginning to catch itself.

So we know that costs are going up and it is difficult to balance and to be able to say to somebody, to look at them in the eye and say, *You know, I am really sorry we cannot give you a pay rise.* But, Mr. Speaker, the downside of that is that if we do continue to give them pay rises, then as time goes on there would be nothing left. So instead of being able to have a base amount coming in, if that fund becomes so underfunded that there is nothing left, then there would be no money coming in at all. And I think we have to start looking at the sensibility of tightening the belt a little bit now to allow for the value of the fund to remain in such a way that at least people get something instead of paying it all out now and finding that we are completely bankrupt and there is nothing to be had.

So I think that . . . you know, it is difficult. And I think that . . . we do not like to have to do this, but it just frightens us, and certainly it would frighten the Finance Minister, to say that our only option would then become increasing it on the one hand (including the COLA) and then borrowing money on the other in order to support it. The one thing that we have to get a grip on is that we cannot . . . I believe the Finance Minister has said it adequately and repeatedly. The status quo is not an option. [In the past] we adopted a mentality of the sort of entitlement that says, *if we do not have the money coming into the Consolidated Fund in order to pay out our bills, [that's] not a problem, let's go borrow it.* But with every borrowing that we make, there is the consequential requirement to repay it. And the more we lean on and put pressure on the Consolidated Fund, Mr. Speaker, the country and its finances become tremendously undermined. So I believe it is important that we get that point across.

But the one thing that we have heard and the anxieties that have been expressed and I think sometimes, whether intentionally or unintentionally, by not giving adequate information, it creates a level of uncertainty. So we have had people calling up and saying, you know, *I didn't work for the government but you know my pension, my contributory pensions, are going to be impacted by this legislation.* And I believe it is important to underscore the fact that this legislation is in respect of the pension funds relating to the civil service as well as to Ministers and Members of the Legislature. This is not legislation that is likely to have any impact or that will have any impact on the Contributory Pension Fund. And that is the fund from which the majority of the people (save and except those who were civil service employees) rely on for their revenue, for their income on a monthly basis.

I think that, you know, if I do nothing else today, Mr. Speaker, [I should] assuage that level of anxiety that people are experiencing by thinking that this is an impact on pensions across the board because that is not the case.

Mr. Speaker, the other thing that we have heard is that the unions have expressed concerns. And you know, Mr. Speaker, I believe that if anybody thinks for a second that this Government does not listen to the concerns that are expressed by the unions as they represent their membership in every way, shape or form that they can and that they are obliged so to do, I think it is important to understand that the working group to which the Honourable Finance Minister referred to in his brief, in fact, included on that working group members of the unions. So to suggest that there is no consultation, no union representation, union people do not know what to tell their people, I am just not sure that that is an entirely accurate depiction of the reality, because that working group was made up of a cross-section of the society including members of the union.

So I would want for Members and the listening public to be comforted that we do not do things in isolation as a Government, that we take the necessary steps in order that these pension funds have a degree of stability, so that down the road we do not see ourselves having to obtain out of the Consolidated Fund every dollar to support the shortfall in the Ministers and Members Pension Fund and that of the Superannuation Fund, and to know that we take these steps very guardedly but very responsibly, Mr. Speaker.

We cannot throw caution to the wind and hope that tomorrow will be better and there will be an infusion of money and we will be pouring money so that the funds will be sustainable. And that is the position we hope to be in, Mr. Speaker, truth be told, that is where we want to get to. But at the moment we have to err on the side of prudence and caution and to recognise where we are from a financial perspective and to not pay out more than we know that we can afford. We are already sailing fairly close to the wind

on this one, Mr. Speaker, we cannot afford to pay out more money than is coming in.

And at the point in time that we see the recovery of the economy and money coming in (as we hope that we will see), Mr. Speaker, as you see we have been doing a lot of wild and wonderful things and we have been seeing development, we have been seeing people making commitments and we now see the America's Cup and we see all sorts of exciting things that are coming down the pipeline, and when all of those things come to fruition, Mr. Speaker, we expect and anticipate that our economy will be impacted positively, and that would be the time that we can revisit this and say, *Hey, everybody, we can now infuse more funds because there is more money coming in.* But until that happy day, Mr. Speaker, we have to be cautious, we have to be prudent, and we have to be sensible.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Any other Honourable Member care to speak?

So then the Chair will go back to the Minister of Finance, Bob Richards.

You have the floor.

Hon. E. T. (Bob) Richards: Mr. Speaker, I appreciate the comments of colleagues.

I now move that the Bill be committed.

The Speaker: All right. Thank you.

Are there any objections to that?

There are none.

I would like to ask that the Deputy Speaker, please, take the Chair [of Committee].

[Pause]

House in Committee at 2:51 pm

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

PENSIONS (INCREASE) AMENDMENT AND SUSPENSION ACT 2014

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Pensions \(Increase\) Amendment and Suspension Act 2014](#).

I call on the Minister in charge to proceed.

Minister, you have the floor.

Hon. E. T. (Bob) Richards: Thank you, Madam Chairman.

Madam Chairman, I would like to move clauses 1 through 7.

The Chairman: It has been moved that clauses 1 through 7 be moved.

Minister, please proceed.

Hon. E. T. (Bob) Richards: Thank you, Madam Chairman.

I think clause 1 is self-explanatory.

Clause 2 replaces the definition of "pension" in section 1 of the principal Act by removing references to Acts which have been repealed and by inserting a reference to the 1981 Act. This means that the principal Act will apply directly to pensions to which the 1981 Act applies payable to former government employees, employees of certain boards and quangos as outlined in section 3 of the Public Service Superannuation Act 1981 and the Public Service Superannuation Act 1981 (Application) Order 1985, rather than via the application of the principal Act by section 3(4) of the 1981 Act (which is repealed in consequence by clause 6). The principal Act will continue to apply to pensions under the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 and ex gratia payments made under the Ex Gratia Payments Act 1983.

Section 2 of the principal Act requires the Minister of Finance to review the rates of pensions to which the Act applies after 30 June in every second year against any rise in the cost of living during the previous two years, and to make an order increasing the rates of those pensions if the cost of living has increased by half of 1 per cent or more.

Clause 3 suspends section 2 of the principal Act from 27 June 2014 until such time as the Minister of Finance revokes the suspension by order. Accordingly, the Minister will not be under a duty to review the rates of pensions against any rise in the cost of living for the two-year period ending on 30 June 2014 nor for any future period until he revokes the suspension by order subject to the affirmative resolution procedure.

Clause 4 makes a consequential amendment to section 4 of the principal Act to reflect the new definition of "pension" in section 1.

Clause 5 repeals section 5 of the principal Act which is redundant since the definition of "pension" in section 1 provides that ex gratia payments made under the Ex Gratia Payments Act 1983 are included.

Clause 6 makes consequential amendments. Subsection (1) repeals section 3(4) and (5) of the 1981 Act (which provides for the application of section 2 of the principal Act) in consequence of the amended definition of "pension" inserted into section 1 of the principal Act by clause 2. Subsection (2) repeals section 4 of the Ex Gratia Payments Act 1983 (which also provides for the application of section 2 of the principal Act) which is redundant since ex gratia payments made under that Act are included in the definition of "pension" in section 1 of the principal Act.

Clause 7 provides that the Bill is deemed to have come into operation on 27 June 2014, the day it was tabled in this Honourable House. This element of retrospectivity was necessary in order to suspend the review which would otherwise have been due immediately after June 30th.

Madam Chairman, I invite Honourable Members' comments.

The Chairman: Thank you.

Are there any Members that would like to speak to clauses 1 through 7?

There are no Members.

Minister, please proceed.

Hon. E. T. (Bob) Richards: Thank you, Madam Chairman.

I move now clauses 1 through 7.

The Chairman: It has been moved that clauses 1 through 7 be approved.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 7 passed.]

Hon. E. T. (Bob) Richards: Madam Chairman, I move the Preamble.

The Chairman: It has been moved that the Preamble be approved.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

Hon. E. T. (Bob) Richards: Madam Chairman, I move that the Bill be reported to the House.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: The Pensions (Increase) Amendment and Suspension Act 2014 was considered by a Committee of the whole House and approved without amendment.]

House resumed at 2:57 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REPORT OF COMMITTEE

PENSIONS (INCREASE) AMENDMENT AND SUSPENSION ACT 2014

The Speaker: The second reading of the Pensions (Increase) Amendment and Suspension Act 2014 has been reported back to the House as agreed upon, as printed.

Are there any objections to that?

We will now move to Order No. 6 [which is] the Second Reading of the Trustee Amendment Act 2014 in the name of the Minister of Education and Economic Development Dr. Grant Gibbons.

You have the floor.

BILL

SECOND READING

TRUSTEE AMENDMENT ACT 2014

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Trustee Amendment Act 2014 be now read the second time and committed.

The Speaker: Are there any objections?
Carry on, Minister.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to introduce to this Honourable House another amendment Bill that is designed to make Bermuda's trust legislation more attractive and competitive. The proposed amendment to the Trustee Act 1975 (the "Act") will provide greater flexibility, clarity and certainty in our legislation with respect to the conduct of trust business in Bermuda.

The Bill seeks to amend the Act to provide a statutory framework for applications to be made to the Bermuda court on the basis of a common law principle known as "the Rule in *Re Hastings-Bass*."

Mr. Speaker, in general, the courts do not interfere in discretionary decisions made by trustees that relate to trusts or trust property. Exceptions to this rule were established in the 1975 case of *Hastings-Bass*. This was later comprehensively articulated in the 2005 case of *Seiff v. Fox*.

In summary, the *Hastings-Bass* rule provides that the courts will set aside an exercise of trustee power if the resultant effect of that exercise was not as intended. It must also be evident that the trustee's actions would have been different had they taken into account of relevant considerations to which they failed to have regard. For example, in the 2005 case of *Seiff v. Fox*, the trust assets included interest in estate and

valuable chattels. Having taken tax advice, the trustees exercised a power of appointment. It was later discovered that the advice was erroneous and the trustees sought to have the appointment set aside. The tax liability in respect of the interest in the estate was not thought to be large, but in respect of the chattels it was estimated to be £1 million. The *Hastings-Bass* rule applied and the exercise of the power of appointment by the trustee was set aside.

Mr. Speaker, the principle of *Hastings-Bass* relief has its origins in the English courts. Between 1975 and 2011 it has been applied in a number of cases in the United Kingdom, Bermuda and other common law jurisdictions such as Scotland, the Cayman Islands, Jersey, British Virgin Islands, and the Isle of Man. The rule has been used for over 25 years to mitigate any negative impacts on trust beneficiaries and to relieve trustees of the consequences of errors in their exercise of fiduciary power. In such cases, the Court has exercised its remedial jurisdiction to reverse the legal and commercial effects of such actions. These have included adverse tax consequences for the trust and trust beneficiaries.

Mr. Speaker, a succession of relatively recent court cases have further developed the principle that the exercise of a discretionary power by trustees may be declared void and set aside on the basis of the *Hastings-Bass* rule. For example, in the 2011 cases of *Pitt v. Holt* and *Futter and Futter*, it was originally decided that the actions of the Trustees could be set aside under the *Hastings-Bass* rule and the trusts were successfully relieved of negative tax consequences.

However, Mr. Speaker, the application of the *Hastings-Bass* rule in the combined cases of *Pitt v. Holt* and *Futter and Futter* was challenged and taken to the Court of Appeal. In May 2013 the English Supreme Court delivered a judgment which upheld the Court of Appeal decision, that the *Hastings-Bass* rule had been incorrectly applied in both cases, and suggested that the rule may have also been misapplied by the lower courts in other cases.

Essentially, the Court of Appeal significantly narrowed the application of the *Hastings-Bass* rule and determined that a breach of fiduciary duty is a prerequisite for a successful *Hastings-Bass* application.

Mr. Speaker, although the English Court of Appeal and UK Supreme Court decisions are not technically binding on offshore courts, such decisions are persuasive and are often followed by other common law courts. As a consequence of those UK court decisions in 2013, several competitor jurisdictions have enacted legislative provisions to give effect to the principle and application of the *Hastings-Bass* rule as it had originally stood since 1975 and up to the 2013 Supreme Court judgment. Put simply, competitor jurisdictions have hard-coded the original interpretation of the *Hastings-Bass* rule into their legislation to

return to the way *Hastings-Bass* had always been interpreted prior to the 2013 Supreme Court judgment. Essentially, this is to interpret that a breach of fiduciary duty is not—is not—a prerequisite for a successful *Hastings-Bass* application.

Mr. Speaker, what does this mean for Bermuda? The amendment now being proposed to the Trustee Act 1975 seeks to provide a simplified and clear statutory framework for making a *Hastings-Bass* application. Following this amendment, the Act will set out conditions that may be satisfied in order to effect a *Hastings-Bass* application. If the court exercises its power to set aside any action taken, it may render the action void *ab initio*.

Mr. Speaker, it is important to note that in this context the discretion of the court is to be exercised for the benefit of the trust's beneficiaries. Although there is often an incidental benefit conferred on the trustee (in terms of mitigating their potential liability for negligent errors and omissions), that is not the purpose for which the court exercises its remedial jurisdiction.

Mr. Speaker, this amendment is consistent with Bermuda public policy, in favour of the establishment and maintenance of trusts in Bermuda for legitimate estate and tax planning purposes.

With high net worth individuals from emerging markets gaining familiarity with Bermuda as a reputable and well-[regulated] jurisdiction, it is anticipated that this amendment will lead to further trust business for Bermuda.

Mr. Speaker, with our existing legislation, if a potential trust settlor feels that at some stage they may wish to avail themselves of *Hastings-Bass* relief, our competitor jurisdictions have a strategic advantage by having such provisions coded in their law. There is also the risk that an incumbent Bermuda trust that seeks the benefit of a *Hastings-Bass* relief might choose to re-domicile to one of those more accommodating jurisdictions in the interests of certainty. In terms of marketing Bermuda to potential trust clients, the absence of codification of the *Hastings-Bass* rule puts us at a disadvantage compared to our competitor jurisdictions.

Mr. Speaker, adopting a clear statutory framework for the application of the *Hastings-Bass* rule in Bermuda will provide certainty as to the application of the rule in Bermuda law and make Bermuda more competitive with other jurisdictions.

Mr. Speaker, this legislation facilitates the modernisation of Bermuda's trust law and product offering in order to support the retention and creation of jobs for Bermudians in the trust industry and the economy of Bermuda, generally. It will enhance Bermuda's reputation as a quality and reputable jurisdiction for international trust business.

Mr. Speaker, the Trust industry in Bermuda makes a material contribution to our economy. Last May the Bermuda Development Agency Trust Focus

Group surveyed 30 trust companies on the Island; 15 of them responded with substantive data that showed that those 15 directly employ 158 people in Bermuda with nearly 80 per cent of those Bermudian. Those 15 that responded had \$125 billion in assets under administration with their investments benefitting Bermuda's investment managers, funds and our banking sector.

Mr. Speaker, in closing, I wish to thank the Ministry of Finance, the Attorney General's Chambers and the Bermuda Development Agency's Trust Law Reform Committee for their help in developing this amendment and their ongoing efforts to keep our trust legislation up to date.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Is there any other Honourable Member who would care to speak?

The Chair will recognise the Honourable Junior Minister of Education from Southampton East Central, constituency 30, Leah Scott.

You have the floor.

Ms. Leah K. Scott: Good afternoon, Mr. Speaker, and thank you.

The Speaker: Good afternoon.

Ms. Leah K. Scott: I am not going to be long other than to say that I support the Minister in bringing this legislation forward. I think it is important as we continue to make Bermuda a competitive jurisdiction to enhance our laws so that people are comfortable when they come here.

I think it is important that we actually codify this legislation because while Bermuda does not have to follow court cases that have been settled in the UK, we actually do use them as precedents. And so there have been instances where cases have been tried in Bermuda—*Hastings-Bass* cases—and they have been successful. And so that makes us appealing as a jurisdiction.

And so we want to ensure that we keep up our competitiveness and that we are on the same level as Jersey and Guernsey and other places. So I support the legislation.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Any other Members care to speak?

Honourable Minister, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

I can tell the excitement is palpable.

I move that the Bill now be committed.

The Speaker: I am very excited, Honourable Minister.

Are there any objections to the Bill being committed?

There are none.

So I would like to ask that the Deputy Speaker please take the Chair [of Committee].

[Pause]

House in Committee at 3:07 pm

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

TRUSTEE AMENDMENT ACT 2014

The Chairman: Thank you, Members.

We are in Committee of the whole [House] to discuss the Bill entitled [Trustee Amendment Act 2014](#). I call on the Minister in charge to proceed.

Minister, you have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Madam Chairman.

Madam Chairman, I am going to move all of the clauses, 1 [and] 2.

The Chairman: Please proceed.

Dr. the Hon. E. Grant Gibbons: Yes, thank you.

Also, just to give you notice, I am going to move a floor amendment at a later point when we get into the body of the Bill, too.

I would like to begin with clause 1 and that is the Bill should be cited as the Trustee Amendment Act 2014.

Clause 2 inserts a new section 47A, "Jurisdiction of court to set aside flawed exercise of fiduciary power." Madam Chairman, the principle Act is amended by inserting after section 47 of the Trustee Act 1975, a new section 47A as follows.

[New section] 47A(1) is the key provision conferring the *Hastings-Bass* jurisdiction on the court on an application by a person specified in subsection (5) and provided that the conditions set out at subsection (2) are met. This section gives the court a suite of options in the exercise of its discretionary jurisdiction. And those options are, under section 47A(1)(a), the court may "set aside the exercise of the power, either in whole or in part, and either unconditionally or on such terms and subject to such conditions as the court may think fit."

Under [section] 47A(1)(b) the court may "make such order consequent upon the setting aside of the exercise of the power as it thinks fit."

Under section 47A(2) this section sets out the conditions referred to in section 47A(1) that must be satisfied before the court's jurisdiction is engaged. They mirror the standard requirements of the

Hastings-Bass rule and that is, under section 47A(2)(a), the first condition is the person who holds the power has failed to take into account a relevant consideration or has taken into account an irrelevant consideration. This condition establishes whether the power has indeed been exercised in a flawed manner.

Under section 47A(2)(b) the second condition is a causation test. In order to justify intervention by the court, the exercise of the power must have been based upon reliance on erroneous or flawed considerations. The test is a test of causation, sometimes known as the "but-for test," and is subjective.

Under section 47A(3) this provision defines the effect of an order setting aside the exercise of the power, the phrase "if and to the extent" is used because the court has the jurisdiction to set aside the exercise of power in part only. The key purpose of this section is to make it clear that if the exercise of the power is set aside the effect is that the exercise is void *ab initio* and that it is as if the power was never exercised in the first place. The wording in the Bill is intended to be as clear as possible concerning the retroactive effect of such order.

Moving on, section 47A(4), the purpose of this section is to make clear that breach of trust or fiduciary duty is not a necessary component in the exercise of the court's *Hastings-Bass* jurisdiction. This subsection applies to a person who holds the powers and their advisors.

Section 47A(5) restricts who can invoke the court's jurisdiction. Section 47A(5)(a) provides that to fully replicate the *Hastings-Bass* rule the jurisdiction must be capable of being invoked by the person who holds the power himself. Section 47A(5)(b) permits trustees and beneficiaries to apply. And section 47A(5)(c) permits other categories of applicants, such as protectors of Bermuda purpose trust and in the case of a charitable trust, the Attorney General. And finally section 47A(5)(d) will allow other persons to apply with the court's permission. This will enable a court to regulate access to the statutory *Hastings-Bass* jurisdiction and will ensure that meritorious applicants are not excluded from applying for relief on technical grounds.

Section 47A(6) provides that no order shall be made under subsection (1) which would prejudice any bona fide purchaser for value of any trust property without notice of the underlying facts which justify the court's intervention. This section accords with section 13 of the Bermuda Constitution Order 1968 as it relates to the protection for deprivation of property and it is, in fact, [in] this section, Madam Chairman, that I would like to propose a floor amendment.

So I will read the existing section of the Bill and then read the proposed change.

The Chairman: Do you have it in writing?

Dr. the Hon. E. Grant Gibbons: I do. It was . . . I think it was handed out to—

The Chairman: I do not have a copy of it, sorry.
Please proceed.

Dr. the Hon. E. Grant Gibbons: Madam Chairman, I have it here somewhere, but let me get you a copy. Here we go. We had a bunch of copies made. So . . . yes. Okay.

So, Madam Chairman, let me first read the existing clause in the Bill and then I will read the proposed amendment. If that is all right?

The Chairman: Yes.

AMENDMENT TO CLAUSE 2

Dr. the Hon. E. Grant Gibbons: As tabled, the clause states, “For the avoidance of doubt, it is hereby declared that no order shall be made under subsection (1) which would prejudice any bona fide purchaser for value of any trust property without notice of the conditions as a result of which the exercise of the power is set aside under this section.” [New section 47A(6)]

The amendment reads as follows: “No order may be made under subsection (1) which would prejudice a bona fide purchaser for value of any trust property without notice of the matters which allow the court to set aside the exercise of a power over or in relation thereto.”

And the reason for the amendment is we wanted to strengthen this clause for the benefit of bona fide purchasers, so it has been amended effectively to provide additional clarity and to expressly protect a bona fide purchaser. Okay?

The Chairman: Okay. Thank you.

Are there any Members that would like to speak to clauses 1 [and] 2?

[Crosstalk]

The Chairman: That is, with the amendment?
Please proceed.

Dr. the Hon. E. Grant Gibbons: Thank you, Madam Chairman.

Moving on to section 47A(7) this provides that the jurisdiction conferred upon the court by the Act may be exercised by the court in respect of fiduciary powers, whether conferred or exercised before on or after the commencement date of the Trustee Amendment Act 2014.

Section 47A(8) is an interpretive provision governing section 47A and provides definitions. For example “fiduciary power” is defined as effectively meaning a power which must be exercised in the interests of others rather than a personal power.

“Power” is defined as meaning not intended to be comprehensive and the common law meaning of the term is retained. The purpose of adding this definition is to ensure that the jurisdiction extends to the exercise and imperative power where the power holder is obliged to exercise the power but has a discretion as to how the power is exercised and to the execution of a discretionary trust. And then finally it defines the “person who holds the power” and this has been used as a concise means of describing a person holding or exercising a fiduciary power.

Madam Chairman—

The Chairman: We are going to . . . I will put it out to the floor first.

Dr. the Hon. E. Grant Gibbons: Yes.

The Chairman: The first thing we are going to do is to confirm the amendment and have an agreement on the amendment that has been put forward to us.

The amendment goes to clause 2, [new section] 47A(6). We are replacing [subsection] (6) on the paper . . . the legislation that we have before us and it has been replaced with: “No order may be made under subsection (1) which would prejudice a bona fide purchaser for value of any trust property without notice of the matters which allow the court to set aside the exercise of a power over or in relation thereto.”

Are there any Members that would like to speak to just that change?

There are no other Members.

The Chairman: Are there any Members that would like to speak to the entire Bill, clauses 1 and 2?

There are no Members.

Minister, please proceed.

Dr. the Hon. E. Grant Gibbons: Thank you, Madam Chairman.

Madam Chairman, I move clauses 1 [and] 2.

The Chairman: It has been moved that clauses 1 [and] 2 be approved, with amendment.

Are there any objections to that motion?

Dr. the Hon. E. Grant Gibbons: Madam Chairman, I move the Preamble.

The Chairman: Let me just close the first one.

[Gavel]

[Motion carried: Clauses 1 and clause 2, as amended, passed.]

The Chairman: Thank you. It has been moved that the Preamble be approved.

Are there any objections to that motion?

There are no objections.

[Gavel]

Dr. the Hon. E. Grant Gibbons: I move that the Bill be reported to the House.

The Chairman: With amendment.

Dr. the Hon. E. Grant Gibbons: With amendment.

The Chairman: It has been moved that the Bill be reported to the House with amendment.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: The Trustee Amendment Act 2014 was considered by a Committee of the whole House, and passed as amended in clause 2.]

[Pause]

House resumed at 3:18 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REPORT OF COMMITTEE

TRUSTEE AMENDMENT ACT 2014

The Speaker: Members, the Second Reading of the Trustee Amendment Act 2014 has been approved with amendment.

Are there any objections to that?

Thank you.

We move now to Order No. . . . I understand that all the rest of the Orders are carried over. Is that right?

All right.

Then we move now to our third readings, and I will recognise the Minister of Finance.

SUSPENSION OF STANDING ORDER 21

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, I move that Standing Order 21 be now suspended to enable me to move that the Bill entitled Pensions (Increase) Amendment and Suspension Act 2014 be now read a third time by its title only.

The Speaker: Any objections?

Carry on, Minister.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

PENSIONS (INCREASE) AMENDMENT AND SUSPENSION ACT 2014

Hon. E. T. (Bob) Richards: Mr. Speaker, I move that the Bill do now pass.

The Speaker: All right. Thank you.

The Minister has moved that the Bill be passed.

All those in favour, say Aye.

AYES.

The Speaker: There are no objections.

[Motion carried: The Pensions (Increase) Amendment and Suspension Act 2014 was read a third time and passed.]

The Speaker: We now move to the Honourable Minister of Education and Economic Development.

SUSPENSION OF STANDING ORDER 21

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Trustee Amendment Act 2014 be now read the third time by its title only.

The Speaker: Any objections?

Minister, carry on.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

TRUSTEE AMENDMENT ACT 2014

Dr. the Hon. E. Grant Gibbons: I move that the Bill do now pass.

The Speaker: All right. Thank you, Honourable Minister.

Any objections to that?

The Bill is passed.

[Motion carried: The Trustee Amendment Act 2014 was read a third time and passed.]

The Speaker: Honourable Premier?

ADJOURNMENT

Hon. Michael H. Dunkley: Thank you, Mr. Speaker. I move that we now adjourn.

The Speaker: Thank you.

Hon. Michael H. Dunkley: To next Friday the 18th.

The Speaker: The 18th.

Hon. Michael H. Dunkley: The 18th.

The Speaker: All right. Honourable Members, the House is now adjourned to Friday, July 18th.

Hon. Michael H. Dunkley: Thank you, sir.

[Gavel]

[At 3:20 pm, the House stood adjourned until 10:00 am, Friday, 18 July 2014.]



Government of Bermuda

Ministry of National Security

Parliamentary Questions

Responses by
The Hon. Michael H. Dunkley JP MP
Premier & Minister of National Security

To questions tabled by
Mr. Walter Roban JP MP
Shadow Minister for National Security

11th July, 2014

Q1. Would the Honourable Minister please inform this Honourable House with the total number of CCTV Security Cameras that have been installed island-wide under the contract awarded to BAS-Serco as of 28th May, 2014?

A1. As of the 8th July 2014, there are 47 cameras in 34 separate locations. As of the 28th May 2014, there were between 31-36 cameras deployed between 23-27 locations. We do not track how many cameras there are on a day to day basis making it difficult to get a precise count on the 28th of May.

Q2. Would the Honourable Minister please provide this Honourable House with the expenditure to date under the contract awarded to BAS-Serco as of 28th May, 2014?

A2. To date no payments have been made. Payments will not commence until the CCTV network is substantially complete.

Q3. Would the Honourable Minister please provide this Honourable House with the list of all sub-contractors with areas of responsibility doing work for the duration of the contract awarded to BAS-Serco?

A3. As of this date, the contractors who have worked on or continue to work on the project are as follows:

Contractor:

BAS Serco-Operator - Bermudian company

SubSub-Contractors:

CCS Group Ltd: responsible for implementation and system maintenance - Bermudian company

ITS Ltd: responsible for A V Services - Bermudian company

LOCUS: responsible for GIS & CAD design services - Bermudian company

Keen Electrical: responsible for electrical services - Bermudian company

Sea-M Electrical: responsible for electrical services - Bermudian company

K. W. Constable Electrical: responsible for electrical services - Bermudian company

P&M Electrical: responsible for electrical services - Bermudian company

High Point Maintenance: responsible for High lift! Access Services - Bermudian company

X-caliber Ltd: responsible for installation Services - Bermudian company

Ocean Interiors: responsible for construction services - Bermudian company

Correia Construction: responsible for construction services - Bermudian company

BELCO: responsible for electrical supply and pole installations - Bermudian company

Redline: responsible for wireless design - Canadian company

B-Quad: responsible for wireless implementation - US company

BERMUDA HOUSE OF ASSEMBLY**OFFICIAL HANSARD REPORT****18 JULY 2014****10:01 AM***Sitting Number 28 of the 2013/14 Session**[Hon. K. H. Randolph Horton, Speaker, in the Chair]***PRAYERS***[Prayers read by Hon. K. H. Randolph Horton, Speaker]***CONFIRMATION OF MINUTES****11 July 2014**

The Speaker: Honourable Members, we have confirmation of the Minutes of July 11th, which have been distributed. If there are no objections, then those Minutes will be approved.

Are there any objections to the Minutes? There are none, so the Minutes are approved.

*[Minutes of 11 July 2014 confirmed]***MESSAGES FROM THE GOVERNOR**

The Speaker: There are none.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING****APOLOGY**

The Speaker: I have two announcements. First, the Honourable Wayne Furbert, from constituency 6, Hamilton West, will be absent. And also, the Honourable Member Mark Pettingill, from constituency 25, Warwick North East, will be absent.

I would also like to announce that we have a young student, Ian Simmons, who you will see moving around the Chambers today. He is a law student, and he is offering his services voluntarily to the House today.

*[Desk thumping]***MESSAGES FROM THE SENATE**

The Speaker: There are no messages from the Senate.

**PAPERS AND OTHER
COMMUNICATIONS TO THE HOUSE**

The Speaker: The Chair will first recognise the Honourable Premier. The Honourable Michael Dunkley, you have the floor.

Hon. Michael H. Dunkley: Good morning, Mr. Speaker.

The Speaker: Good morning, Premier.

Hon. Michael H. Dunkley: Good morning to the colleagues, wherever they might be, Mr. Speaker.

*[Laughter]***PUBLIC BODIES REFORM ACT 2014**

Hon. Michael H. Dunkley: Mr. Speaker, I have the honour to attach and submit for the information of this Honourable House a draft Bill of the Public Bodies Reform Act 2014. Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Any objections?

That will be laid before the House.

The Chair will now recognise the Honourable Minister for Health. Minister Jeanne Atherden, you have the floor.

**BERMUDA HEALTH COUNCIL ANNUAL REPORT
2013/14**

Hon. Jeanne J. Atherden: Thank you, Mr. Speaker.

I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Health Council Annual Report 2013/14.

The Speaker: Thank you, Minister.

Any objection to that?

That report will be laid.

The Chair now recognises the Honourable Minister for Community, [Culture] and Sports. The Honourable Minister Wayne Scott, if someone could

...

[Pause]

The Speaker: Yes, this has to do with anti-doping?

An Hon. Member: No.

The Clerk: No.

The Speaker: Okay, good. Thank you.

PETITIONS

The Speaker: We now move to petitions. There are no petitions.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Speaker: The Chair will first recognise the Honourable Premier, the Honourable Michael Dunkley. You have the floor.

CAYMAN–UK OVERSEAS TERRITORIES PRE- JOINT MINISTERIAL CONFERENCE

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, I rise this morning to inform this Honourable House of my recent meetings with my fellow Premiers and Chief Ministers of the United Kingdom [Overseas Territories](#).

Mr. Speaker, I was joined by the leaders of Anguilla, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar and Montserrat in George Town, Grand Cayman, on Wednesday, the 16th of July. The leaders of Tristan da Cunha, St. Helena and Pitcairn, understandably, Mr. Speaker, were not able to make the long journey to join us.

The meeting was called to discuss and plan for the forthcoming Joint Ministerial Council Meeting (or the JMC) to be held in London this December.

You might recall that the JMC is the opportunity for the UK Overseas Territory leaders to meet with the UK Minister for the Overseas Territories, and a few of his fellow Ministers, to discuss matters of mutual interest.

The discussions at the JMC centred around the principles espoused by the UK in the 2012 White Paper on Security, Success and Sustainability and serve [to agree] at the ministerial level [on the] collective issues between us.

Mr. Speaker, during our just-concluded preparatory meetings, we discussed measures designed to ensure our economic futures in the long term. Particular attention was paid by territory leaders to the following concerns:

- economic diversification;
- principles of good governance in the administration of our respective territories;
- global standards of financial regulation accountability and transparency;

- environmental sustainability; and
- security and immigration.

From this list, Mr. Speaker, specific agenda items will be confirmed.

I would like to add, Mr. Speaker, that in order to be sure that I would be here this morning to join honourable colleagues, I departed [the] Cayman [Islands] prior to the formal conclusion of the meetings. But I do anticipate that colleagues will confirm an agenda that will serve to strengthen our future economic, environmental and social sustainability.

Mr. Speaker, it was the considered view that the format of the 2013 JMC was far more effective than previous meetings. Therefore, we wish to ensure that the progress made is further strengthened going forward. To this end, the territory leaders have agreed that the December meetings with the UK should span a period of two days, with three sessions focused on the formal agenda and one session conducted with UK Ministers in a less-formal setting.

At the conclusion of the meetings in December, the territories and the UK will agree to a communiqué that will be released within each of the territories and the UK, and also be made available to the public.

In addition, a progress report will be produced that will identify items agreed at previous JMCs, the progress made on each of these items by the UK and also by the territories, and any additional action points agreed at the meeting.

Mr. Speaker, you will be aware that this was my first meeting with the Overseas Territories leaders, and as such it was an excellent opportunity for me to meet my colleagues and to understand the issues from their perspectives.

Each of us share a constitutional link to the UK, but as many of us are aware, Mr. Speaker, Bermuda's constitutional relationship to the UK is far more advanced than our sister territories—so much so that the other territories look upon our Constitution with envy.

Therefore, it is most important that we protect the rights and responsibilities that are ours and enshrined in our Constitution.

Mr. Speaker, notwithstanding this significant difference, there is more that unites us than distinguishes us. As a result, we are able to learn from each other, support each other and together ensure that each of us has the ability to prosper.

Mr. Speaker, as an example, later today we will be debating the Public Access to Information Amendment Bill 2014 and its associated regulations.

While I was in [the] Cayman [Islands], I took the opportunity to discuss Cayman's experience with implementing their Freedom of Information Act. There is much that we can learn from them, and I look forward to formalising a relationship with Cayman in this regard.

Also, Mr. Speaker, while in [the] Cayman [Islands], I took the opportunity to meet a number of leading Bermuda companies with a presence on the island. We enjoyed meaningful exchanges and, in particular, discussed opportunities for Bermuda in a highly competitive and mobile business environment.

Mr. Speaker, I look forward to the JMC meetings in December, and together with my fellow territorial leaders will ensure that we work to ensure the future prosperity of all territories.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Premier.

We now move to the Honourable Minister of Tourism and Transport, the Honourable and Learned Member, Minister Shawn Crockwell. You have the floor.

Hon. Shawn G. Crockwell: Thank you, and good morning, Mr. Speaker.

The Speaker: Good morning.

GOVERNMENT'S GAMING INITIATIVE UPDATE

Hon. Shawn G. Crockwell: Mr. Speaker, I rise today to provide this Honourable House with an update on the progress that has been made on the [gaming](#) legislation that the Government will be bringing before the Legislature.

Mr. Speaker, in December of last year, the Government made the decision to proceed with the establishment of legalised casino gaming through the parliamentary process. This was a difficult decision for the Government, but we are confident it was the right decision for Bermuda. We are also confident that the majority of Bermudians support the introduction of casino-style gaming. This is supported by recent polling results, which show that 76 per cent of residents support the introduction of casino gaming in Bermuda to assist in bringing jobs, increasing tourism and generating revenue on the Island. This is very similar to a poll the Government conducted in 2013, which showed that 74 per cent of residents support resort casino gaming.

Mr. Speaker, since the Government's decision to advance the development and establishment of a domestic gaming industry, the Ministry of Tourism Development and Transport has been working collaboratively with Government legislative drafters and other civil administrators as a cross-Ministerial initiative to create the legislative and administrative framework necessary to do so. Accordingly, a Gaming Legislative Drafting Committee (which I will refer to as GLDC) has been formed with the oversight of the Permanent Secretaries of the Ministry of Tourism Development and Transport, the Attorney General's Chambers and the Ministry of Legal Affairs.

In addition to the representatives from the previously mentioned Ministries, the GLDC includes representatives from the Ministry of Finance and Management Consulting Services, with its main objective to draft primary legislation with the intent for it to be tabled before the end of the current legislative session.

Mr. Speaker, I am pleased to report that a draft Bill is completed, and I would like to compliment the legislative drafters, the Attorney General Chamber's team and all of the individuals that have worked tirelessly on producing a very comprehensive piece of legislation in a very short period of time. I draw Honourable Members' attention to the process in Singapore, which took more than two years to produce their enabling Act. We are using the Singapore legislation as a guide, which has greatly assisted in the production of the draft Bill.

Mr. Speaker, the Bill will not be tabled during this session, and I make no apologies, because the enabling legislation is the most important component in ensuring we have the best regime and administrative structure to effectively oversee the domestic casino gaming industry. We will continue with our work to finalise the Bill, which will be augmented by the regulations necessary to comprehensively establish and regulate the gaming industry, with the intent for both primary and secondary legislation to be tabled when Parliament reconvenes.

This will keep the Government on track to have the entire statutory structure (i.e., both the primary legislation and the associated regulations) presented to this Honourable House for approval before the end of 2014.

Mr. Speaker, as it relates to hotel resorts that will have an amenity casino in Bermuda, it is the policy of the Government to establish a Casino Gaming Commission and a Responsible Gaming Council, and to implement casino gaming on a limited basis. The overriding policy objectives of the pending legislation include, *inter alia*, the following:

- promote and enhance development of the hotel industry through new construction and redevelopment of existing facilities;
- increase tourism visitation to Bermuda;
- attract investment in the casino and hotel industries;
- strict and comprehensive regulatory oversight over all aspects of casino gaming;
- gaming licensees shall be held to the highest standards of licensing;
- ensuring that the ownership, management and operation of a casino are carried out by persons who are suitable;
- ensuring that casino gaming is conducted honestly;
- the awarding of a licence is a revocable privilege, and licensees have a continuing duty to maintain their integrity and financial stability;

- ensuring public confidence and trust in the integrity of casino regulation and casino operations;
- prevention of corrupt influences from participating in the casino industry;
- proper attention to the matter of problem gambling;
- prohibiting underage gambling; and
- detection and prevention of money laundering.

Mr. Speaker, the Ministry of Tourism Development and Transport has engaged Spectrum Gaming Group (“Spectrum”) to provide expert advice and services to the Bermuda Government. Spectrum is a business based in New Jersey, USA, with a professional team that specialises in developing and improving gaming regulatory agencies around the world. Some of the jurisdictions where Spectrum have provided these services are New Jersey, Massachusetts, Connecticut, Illinois, Kentucky, Puerto Rico, the US Virgin Islands, the Bahamas, and Singapore. The latter is, coincidentally, the jurisdiction which the Government has decided to use as the primary exemplary model for Bermuda’s gaming industry.

Thus far, Spectrum have contributed towards the drafting of the primary legislation, and it is the intent to be further assisted by Spectrum with the supporting regulations to provide for the legal framework required to establish a casino gaming industry within Bermuda and to assist with the implementation of a corresponding regulatory regime and administrative structure to effectively oversee the domestic casino gaming industry.

Mr. Speaker, the implementation of casino gaming legislation in Bermuda is a major statement and a jurisdictional decision that will be closely observed by our competitors and potential investors in the tourism industry. In most jurisdictions where gaming is legal, it is extensively regulated. There is probably no other business that has so many aspects of its operations so heavily regulated. It is vital to Bermuda’s reputation that we get our gaming statutory structure right, and this Government is committed to doing so.

Mr. Speaker, I conclude by stating that one of the benefits of getting into this industry at this stage is that we can learn from the mistakes of other jurisdictions. Therefore, we welcome comments and input by all Members on this very important legislation, and I consider it an excellent opportunity to work together to implement a casino gaming model that positively sets us apart from the rest of this world.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

The Chair will now recognise the Honourable Minister of Education and Economic Development. Minister Dr. Grant Gibbons, you have the floor.

Dr. the Hon. E. Grant Gibbons: Good morning, Mr. Speaker.

The Speaker: Good morning.

BERMUDA COLLEGE 40TH ANNIVERSARY: “FORTY YEARS AND FORGING FORWARD”

Dr. the Hon. E. Grant Gibbons: And thank you.

Mr. Speaker I rise this morning to invite you, the Members of this Honourable House and, indeed, the people of Bermuda to join with me in celebrating the [40th anniversary](#) of the inception of the Bermuda College. Next week, Tuesday, July 22nd, the Bermuda College will celebrate its 40th anniversary.

Mr. Speaker, Honourable Members may be aware that, in numerology, “40” denotes the fulfilment, or completion, of promises. Certainly, the Bermuda College has realised the dreams of its visionary founders, who, 40 years ago, anticipated an amalgamated campus that would prepare students for university, provide career education, and offer technical training in key areas identified by the Island in its still-developing economy.

Mr. Speaker, the Bermuda College is planning a host of public events, commencing next week Tuesday and into the year 2015, to celebrate its 40th anniversary. I will later share a few of these events, but let me first cast the minds of my honourable colleagues back a few years to reflect on the historical progress of the Bermuda College.

Mr. Speaker, on July 22nd, 1974, Bermuda College was established through the enactment of the Bermuda College Act and formed as a result of the amalgamation of three flourishing antecedent institutions, namely:

1. the Bermuda Technical Institute, formed, in 1956, originally as an all-boys secondary school, that went through a series of transitions as the College of Further Education, in 1969, and then later as a unit within the Department of Commerce and Technology in 1974;
2. the Bermuda Hotel and Catering College, formed in 1965, which actually had its beginnings as a domestic science school on Front Street back in the 1930s; and
3. the Academic Sixth Form Centre, formed in 1967.

After the passage of the Bermuda College Act, its first board of 12 governors was appointed. The Chairman of the Board was Mr. Thaddeus Trott, a noted hotelier and businessman. Mr. Mansfield “Jimmy” Brock was the first Chief Executive Officer and served from 1974 to 1977 at the Bermuda College, while Dr. Archie Hallett became the first President and served from 1977 to 1992.

Mr. Speaker, in 1978, the Bermuda College Board of Governors acquired the 26-acre Stonington property in Paget. A master plan was developed, and the Government of the day provided funds to commence construction of a unified campus the following year. The following timeline provides insight into the focused planning with which the campus construction was undertaken:

- In 1980, the Stonington Beach Hotel (now Coco Reef Resort) and the teaching kitchens were completed and occupied. During the summer of 1980, the hotel welcomed its first guests—a honeymooning couple. This facility, and the opportunity it provided, distinguished the hotel-oriented programmes at the college from similar programmes offered in other higher education institutions at that time.
- In 1980, South Hall was completed (now referred to as Brock Hall and named after the first CEO, Mr. Mansfield Brock).
- In 1988, New Hall was completed (now called Hallett Hall and named after the first President, Dr. Archie Hallett).
- In 1990, the Student Centre was completed.
- In 1991, the College Centre was completed.
- In 1992, the College Library, with its iconic clock tower, was completed.
- In 1993, the West Hall/Faculty Centre was completed.
- In 1996, the North Hall and the Technical Education Centre (sometimes known as Tech Hall) were completed.

Mr. Speaker, under the energetic leadership of the first Chief Executive Officer, Mr. Brock, the college made great strides in upgrading and developing curricula for the education and training of young Bermudians. These included putting in place advisory committees with memberships drawn from professionals in local businesses, and developing programmes for major trade areas to ensure that Bermuda College graduates were well equipped for employment in the applied sciences and trades.

Similarly, basic programmes for the hotel and business industries were developed, while university preparatory work of the earlier Sixth Form Centre was developed through curricula matching the educational pattern of North American universities. This enabled students to obtain credit at an advanced level for the coursework undertaken at Bermuda College, which initially served as an alternative to the GCE “A levels.” Hence its rapid success in gaining recognition in North American universities soon made it the primary programme for university transfer.

Mr. Speaker, today, the Bermuda College offers 20 associate degree programmes in a wide variety of subjects unheard of back in the day, such as actuarial science, computer information systems, electronics technology and web development; nine certifi-

cate programmes; and 12 diploma programmes. In addition, the former Adult and Continuing Education Division, currently the Division of Professional and Career Education (also known as PACE) offers 24 external certificates that include 11 professional designations, six workforce development certificates, and seven training and development courses.

The college also offers its own Associate Degree in Science for Nursing, with the Island’s only state-of-the-art Simulation Lab. The Bermuda College hosts the renowned CISCO Academy on campus for the latest training in computer information systems to international standards. And it has become the premier training centre for the Bermuda Government Human Resources and Workforce Development Departments.

Mr. Speaker, in 2010, the Bermuda College completed a seven-year journey of academic affirmation by being granted full accreditation status by the New England Association of Schools and Colleges (NEASC), the same prestigious agency that grants accreditation to such Ivy League universities as Harvard, Yale and MIT [Massachusetts Institute of Technology]. At that time, the college was only the seventh international institution to be accredited by this prestigious commission and the first institution so honoured in the Caribbean and Latin American region.

Mr. Speaker, 40 years is indeed a milestone for this academic icon in the local community. The Bermuda College has fulfilled and continues to fulfil the promise of higher education and career dreams for all who walk through its doors. It has survived philosophical differences about its purpose and debates about its academic mandate, including those questioning its comparative value to larger and older overseas colleges and universities. Yet, in spite of all this, Bermuda College continues to progress and demonstrate its fundamental value to those in the local community and beyond.

Mr. Speaker, commencing in the fall semester, the Bermuda College will celebrate a seminal moment in its 40-year history when approximately 40 dual-enrolment students will simultaneously be enrolled in high school and college courses, 10 of whom will be full-time students at the college. These are students who have sat the North American Accuplacer college placement test and successfully tested into college-level English and math courses, some just having completed their S2 year. This means that, in September, they will be taking college-level courses and completing their high school requirements to graduate. Within this cohort of students will be the first students eligible to graduate with both a high school leaving certificate *and* an associate’s degree.

Mr. Speaker, the college has served our Island well! I invite my honourable colleagues in the House, and the general public, to join in and support the launching event of their year-long celebrations next week, Tuesday, July 22nd, at 6:30 pm, when

alumni, faculty, students and friends of the Bermuda College will make the nostalgic walk from the old Roberts Avenue campus in Devonshire to the current site at Stonington Avenue in Paget—a Bermuda College to Bermuda College (BC2BC) Sunset Walk. There will be brief speeches and a commemorative tree-planting ceremony just before the walk commences.

Mr. Speaker, in closing, the Bermuda College has planned several upcoming activities, which include a Tag Day, a Golf Tournament at the Belmont Golf Course, a '70s party, a Bermuda Day Float and a Community Outdoor Movie Night, to name just a few of the events that will take place. All will incorporate the Bermuda College 40th Anniversary theme, which is "Forty Years and Forging Forward."

Happy 40th Anniversary, Bermuda College! As their motto states:

Mirabilia magna portendi—Great and wonderful things are foretold!

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

I think, Minister, you have another Statement on middle school audits. So, the Chair will recognise again Dr. Gibbons, the Minister for Education and Economic Development. Carry on, Dr. Gibbons.

MIDDLE SCHOOL TRANSFORMATION

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, the highest priority of the Ministry and Department of Education is to raise achievement and learning outcomes for all students in the Bermuda public school system. And nowhere in our education system are the concerns of parents, educators and the larger community greater than at the middle school level.

Mr. Speaker, during the 2013/14 school year, the Department of Education undertook an ambitious plan to audit all schools in the public system. However, after carefully listening to concerned voices, a decision was taken to begin the audit process with our five [middle schools](#). There were three primary goals for conducting the audits:

1. to provide middle schools and the Department of Education with an intensive multifaceted analysis of student learning, teaching and leadership in order to improve student outcomes;
2. to build first-hand a collective understanding of the strengths and challenges faced at schools; and
3. to provide direction for the Education Department's system support services needed to improve teaching and learning outcomes,

grow leadership capacity, improve the school climate, and engender community support.

Mr. Speaker, in short, the middle school audits were designed to obtain a comprehensive analysis of the state of instruction and learning. This was necessary in order to facilitate targeted direction for both the Department of Education and middle school leaders for the improvement of student learning outcomes.

Mr. Speaker, there was a promise made during the past school year to address concerns about middle school education. Today, I am pleased to share a plan that does this, but first, let me share with honourable colleagues a backdrop of the best practice used to undertake the audit process. The audits were modelled after leading research that specifies what determines successful middle schools. This research was conducted by the Association of Middle Level Education (or AMLE). The AMLE holds at its core a belief that "educational programmes for young adolescents should reflect what research and vast experience have demonstrated to be best" for children of middle school age. Based on research and best practice, AMLE has developed 16 key characteristics of successful middle schools. They are grouped into three broad areas:

1. Curriculum, Instruction and Assessment;
2. Leadership and Organisation; and
3. Community and Culture.

The performance of our middle schools was measured in these three broad areas to determine the extent to which the 16 characteristics were present in our middle schools.

Mr. Speaker, three audit teams were tasked with examining each of the five middle schools in each of the three areas. Each audit was unannounced and conducted over several days. Teams observed classroom instruction and conducted interviews of parents, teachers and school leadership. The teams also looked at pass/fail grades reported by schools in the first quarter of the school year. Overall, dozens of interviews were held and more than 100 observations of classroom instruction were completed.

Mr. Speaker, to put this in perspective, approximately the same number of observations were held during the audits of five middle schools as were held during the Bermuda Review of Education in 2007 (also referred to as the Hopkins Report).

Mr. Speaker, the audit process was rigorous. Each middle school was rated on each of the 16 characteristics of successful middle schools, using a range from one to seven. A rating of one reflected little to no evidence of the success characteristics, while a rating of seven reflected a high presence of success characteristics.

Overall, the results of the audits revealed that, generally, middle schools show little evidence of the

success characteristics in the area of Curriculum, Instruction and Assessment and little evidence of the success characteristics in Leadership and Organisation. However, there was moderate evidence of the success characteristics in the area of Community and Culture where there was a sense of support and advocacy for students, and most schools were viewed as safe places with a sense of family and community. There was also a recognisable presence of community partners in schools that helped support meeting student social and behaviour needs.

Mr. Speaker, let me now share with the Honourable House summary highlights of audit findings. I am going to go through a list of these:

- first of all, an absence of a clear vision for middle schools;
- no evidence of proven intervention programs to close learning gaps;
- a lack of active student-centred learning;
- significant percentages of students reported failing in key subject areas within the first quarter of school;
- inconsistent quality of leadership across schools;
- little evidence of focused professional training;
- a need for strategic leadership and collaboration around school improvement;
- heavy reliance on the practice of tracking, or ability-grouping, of students;
- physical environment concerns around ageing buildings and state of disrepair; and
- a need for comprehensive behaviour intervention and conflict resolution.

The summary results of the audits were shared with middle school principals, wider school leadership teams and teaching staff. The majority have embraced the audit results as a start for greater improvement.

Mr. Speaker, I believe that, just as our parents want the best for their children, our educators also want the same and are committed to do what is needed to deliver on improved student learning and achievement. The results have also been shared with the majority of the middle school PTA executives. An overall summary report has been produced and includes the aggregated results for all of the middle schools. This will be placed on the Ministry's website.

Mr. Speaker, it is quite evident that there is much work needed in our middle schools. However, now that we have sound factual data about the educational and social state of our middle schools, we can use this to drive targeted change in the Bermuda public school system. The audit results are not about a single middle school, but the results reflect deficiencies that are systemic in nature. And, Mr. Speaker, systemic problems require systemic solutions. In this regard, the findings of the audits were used to design

and develop a 10-point Middle School Transformation Plan to address the deficiencies found.

Mr. Speaker, I will now provide my honourable colleagues in the House with some details of what the 10-point Middle School Transformation Plan entails. This plan is comprehensive and reflects consultation, dialogue and collaboration with the school principals.

The Transformation Plan comprises 10 high-impact actions that will be implemented during the 2014/15 school academic year to improve overall student learning and teaching over the next three years. These actions are directly aligned with the 16 characteristics of successful middle schools.

As we know, the Department of Education is responsible for giving schools support, providing professional development for instructional leaders and carrying out appropriate supervision of principals. However, it is important to understand that the execution of the plan will involve a collaborative effort. Each school principal and their leadership teams will be responsible to ensure that the transformation occurs at their respective school site.

Mr. Speaker, so what are the 10 high-impact actions?

Action I—Develop a twenty-first century vision for middle school education.

The audits revealed the need for a clear, new, powerful vision for Bermuda's middle schools. This vision must empower young adolescents to experience an education that allows them to engage the world in challenging and relevant ways. In successful middle schools, a shared vision guides every decision around teaching and learning. We will develop a twenty-first century vision for our middle schools so that there is a consistent vision for five schools, with the goal of one outcome—and that is student success. Each middle school will continue to have its own vision, unique to its school community, but consistent with the larger middle school vision focused on school improvement.

Action II—Provide school leadership teams with specific training to lead school improvement.

A key focus for leaders of successful middle schools is ensuring that high-quality instruction is the priority of school improvement. School leaders must shift more intently to the work of leading instruction by emphasising best practice instructional strategies, monitoring, coaching and ensuring that effective teaching happens in every classroom every day. The Department of Education will provide school leadership teams with targeted training in this area. This training has already started.

Mr. Speaker, you may recall that on May 16th, I informed the Honourable House that 20 of our middle school leaders were engaged in a four-day practical training programme entitled *Leading for Change in the 21st Century*. Subsequent to this training, each principal was challenged to develop a 30-day plan to implement a model in their school, showing what an

effective leadership team looked like. Now that this training has been given, in September 2014, higher standards of school leadership will be established for principals and leadership teams, and this will ultimately improve classroom instruction.

Action III—Utilise a common bell schedule with standard times and opportunities for student learning, intervention, teaming and advocacy.

Mr. Speaker, in order to improve student learning, beginning in September, middle schools will use a common bell schedule. This simply means that each school commits the same amount of time to instruction, intervention, and career and personal development. This will ensure that all students, regardless of school location, will receive the same educational opportunities. All students will also have built-in school time for enrichment and to catch up if needed.

Action IV—Implement a structure for the delivery of high-quality lessons across all schools and subjects.

The quality of instruction is the single most important factor in improving student achievement. The audits revealed a need to drastically change the way in which we engage children in classrooms, from teacher centred and teacher directed to environments where students are challenged and engaged, and can take ownership for learning and success. To realise this vision, all middle school classrooms will receive specific guidance for the quality of planning, instruction and engagement for lessons every day. Middle schools will implement a best practice framework of instruction for all teachers by December 2014 that will focus directly on the quality of planning, instruction and student engagement. Principals will use the framework to improve teaching effectiveness.

Action V—Eliminate ability-tracking to ensure that all students have access to high-quality learning experiences.

The Department of Education has communicated expectations to all school leaders to ensure that every classroom caters to the range of student abilities. Therefore, the department will establish a standard that will ensure that students of all abilities will have access to high-quality learning experiences. Therefore, the age-old practice of tracking—that is, the separation of children into individual classes, based on the perceived or measured ability—will end. Much research has been conducted on the negative effects of segregating students in this way on student achievement, identity and success. According to global research, students in lower groups typically experience (and I quote) “fewer intellectual challenges, less engaging and supportive classrooms, and fewer well-trained teachers.” [UNVERIFIED QUOTE]

Mr. Speaker, I have five more action points to share for the Transformation Plan.

Action VI—Provide focused professional development on creating active, rigorous and engaged learning experiences to all teachers and leaders.

Commencing during the fall school term, middle schools will implement a comprehensive professional development programme for teachers. A twenty-first century vision of the Bermudian classroom requires teachers to be dynamic facilitators of rigorous student-centred activities. By focusing professional development around the use of rigour in the classroom, teachers will be able to create experiences that challenge students as leaders, critical thinkers and problem-solvers.

Principals will monitor, coach and provide feedback to teachers, who will ensure active learning, engagement and rigour for students.

Action VII—Ensure all students have academic interventions if they fail classes within the first quarter.

The most proactive approach to student success is to ensure that all children experience high-quality teaching every day. However, some students will require additional support beyond classroom instruction in order to close academic gaps. Needed intervention must happen early. Therefore, proven interventions which can close the gaps that emerge as students struggle will be implemented throughout middle school. The Department of Education, for the first time since the implementation of middle schools, will ensure that all students with academic gaps are supported through intervention programmes which focus on strategies and address academic areas of need.

Action VIII—Establish a mandatory standard which clearly defines readiness for transition into and out of middle school.

We will ensure that the majority of students enter middle school reading on grade level and are proficient in mathematics, science and social studies. Students who enter middle school underprepared will receive additional mandatory support by way of interventions, so they can also be properly prepared to exit the middle school level three years later. With the input of school stakeholders, we will establish a clear standard that sets out the expectations for academic readiness, growth from year to year, and support needed for each child.

Action IX—Establish comprehensive behaviour intervention programmes in every middle school.

Mr. Speaker, schools must be safe, inclusive and supportive of all students. In September this year, the Department of Education will begin the implementation of a system-wide behavioural model, Positive Behavioural Intervention and Supports (or PBIS). PBIS encourages a school-wide positive culture and specific interventions to increase positive behaviour. Consistent school-wide actions and expectations will decrease negative behaviour and build a foundation for positive relationships and interactions amongst students and staff. Each school will develop a comprehensive behaviour management programme to

manage discipline based on school-wide positive behaviour strategies.

Lastly, Mr. Speaker,

Action X—Raise the qualifications standard for all middle grades teachers within three years.

To ensure that teachers and leaders possess the capacity to lead students toward greater achievement and success, the Department of Education will raise the standard of teaching for all middle school teachers. In the first phase, higher standards will be set for new teachers of English, mathematics and science. These standards have been approved by the Board of Education to guide the recruitment and professional development of teachers. The new qualifications standards require increased knowledge of content and instruction necessary to promote twenty-first century learning experiences. The department will develop a plan to increase the content and instructional competency of all teachers to meet the new qualifications goals within three years.

Mr. Speaker, let me summarise at this point. The Middle School Transformation Plan sets out a series of 10 action points as first steps needed to transform the learning outcomes of students in the Bermuda public school system. The plan represents the most focused, intentional support for improving student learning and outcomes since the launch of middle schools. This transformation plan also represents a multi-year commitment. It is one that will require the active participation and sustained focus of all school leaders, all department personnel, parental support and support from the community at large.

I have noted the roles and responsibilities of the Department of Education, the middle school principals, their leadership teams and other middle school educators to effectively work together and implement the Middle School Transformation Plan. I certainly invite our parents to participate in making this Middle School Transformation Plan a success by reviewing the summary findings of the audit, which will be made available on the Ministry website, and by continuing to engage their children's middle school teachers, leadership teams and principals during the implementation and monitoring of the plan.

During the next school year, parents will be regularly updated on the progress of the plan. Their questions, concerns and support will help to ensure that middle schools and the department are held accountable for carrying out their assigned roles and responsibilities to make this plan a success. Our students are our most precious resource, and therefore, the Bermuda public school system is very intentional about its focus—to ensure that all children receive a first-class education based on global standards, where they can reach their highest potential.

Mr. Speaker, in closing, I would like to express my sincere appreciation to principals, teachers, students, staff at the Department of Education, parents and the greater community, who have continued

to press for improvements in our schools. Their input was the driving force behind the audits, and their active participation will be critical in the years ahead. Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Minister, Dr. Gibbons. And I think you have a third Statement. So, you can continue.

CURRENT ENERGY INITIATIVES 2014

Dr. the Hon. E. Grant Gibbons: Yes, thank you, Mr. Speaker. And now for something different.

Mr. Speaker, I rise this morning to provide this Honourable House with an update on some of the [energy-related activities](#) that my Ministry, through the Department of Energy, is currently progressing.

Mr. Speaker, the top energy-related priority for the Ministry of Education and Economic Development is energy regulatory reform. Once complete, this will usher in a new regulatory regime for energy in Bermuda, as is the case for telecommunications with the Regulatory Authority and the Electronic Communications Act 2012. This new regime will also satisfy many of the goals that were articulated in the 2011 White Paper.

Within the next week, the department will publish a Request for Proposal to engage legal consultants who will work with the Department of Energy to assist in the development of energy regulatory policies and also assist the Attorney General's Chambers with the proposed new legislation. Our current plans have this work scheduled to commence in the late summer, with the intent of having public consultations in the fall.

Mr. Speaker, another initiative on the Energy Department's agenda is the creation of interconnection agreements between BELCO and the many commercial and residential solar photovoltaic [PV] system installations that are coming online.

Mr. Speaker, after a period of extensive consultation with the Bermuda Energy Working Group, it was recognised that, in order to create the most equitable set of agreements for the various size and number of systems, the services of a specialist consultant is necessary. Therefore, in February of this year, the department published a Request for Proposal in order to engage such a consulting organisation.

The consultant will be working on residential interconnection agreements, commercial interconnection agreements and also utility-scale power purchase agreements. These agreements will also enable the development of intermediate and large-scale projects such as solar photovoltaic farms.

Without the power purchase agreements (or PPAs), there can be no credible solicitation for renewable energy proposals for any public lands or buildings. Now, some may see this consultant as the cart before the horse when juxtaposed with the work of regulatory reform. But, in fact, this is absolutely nec-

essary in order to respond to an urgent need in the community. There are commercial customers who are interconnected to the grid and providing their excess power into the system, but who are not currently being compensated. The work of the consultant will rectify this situation, and because the work will be done in an open and collaborative fashion, the agreements will be developed transparently and be as fair as possible to all participants.

Mr. Speaker, the current use of heavy atmospheric oil and diesel fuel to generate electricity is not sustainable from either an economic perspective or an environmental one. We must, therefore, consider other options. The Department of Energy has been evaluating various unsolicited proposals, which include, but are not limited to, the use of natural gas (that is, LNG), solar PV, waste-to-energy, floating wind turbines and other alternative energy solutions such as combined heat and power, or tri-generation.

Mr. Speaker, above all, my Ministry is acutely aware that interim solutions will have to play a role in Bermuda's economic recovery, and so we have been looking seriously at liquefied natural gas (or LNG). As stated in the past, LNG may be an excellent bridging solution, and it may also have a role to play in reducing our transportation emissions. We believe it will also reduce the cost of energy to the consumer. However, it will require considerable capital expenditure by providers.

Mr. Speaker, it is imperative that whatever medium-term solutions we choose to pursue, we must also consider our current economic conditions and aid—rather than jeopardise—our economic recovery. We must make ourselves more competitive, both regionally and in a wider global sense, as we compete with the world for foreign direct investment.

Mr. Speaker, the Department of Energy is involved in discussions with the Departments of Planning and Government Estates on building rating systems. These systems can start with Government, and they demonstrate fiscal responsibility and exhibit transparency with regard to energy expenditures. The Government's Sustainable Energy Committee (also known as GSEC) is researching these systems and currently gathering the necessary baseline data. This data will guide the Government Sustainable Energy Committee in making meaningful and effective recommendations for energy conservation and efficiency throughout Government's extensive portfolio of buildings.

Mr. Speaker, as the House will be aware, the rebate initiatives for solar technologies have now ended. The overall financial commitment to these programmes exceeded the former administration's original estimate by about 70 per cent when it ended in April of this year. As a result, there is close to a megawatt of installed solar PV and hundreds of kilowatts of avoided electrical use due to the installation of solar water heating through this initiative, and the

renewable energy industry is now well established. In response to the needs of the industry, and recognising that we still need to encourage the adoption of renewable energy technologies, the department continues to do its part to reduce the *soft costs* of renewable energy.

The department has been collaborating with the Department of Planning to find ways in which we might lower barriers to renewable energy integration without sacrificing their statutory duties of ensuring safety and code compliances. Already the process is streamlined so that any applications of 400 square feet and under are permitted development and therefore do not require a full-blown planning application, and any applications under 1,000 square feet do not require Department of Energy to review. Other solutions are being examined as we continue to listen and respond to the needs of the renewable energy community.

Mr. Speaker, the Department of Energy has been reviewing and assessing the status of each element and/or recommendation in the 2011 White Paper. The department's review is complete, and they are now in the process of providing some policy recommendations, which will be decided upon and shared in due course. Among those decisions is an assessment of which initiatives will deliver the best return on investment in terms of time and resources, and which may no longer be valid and may require further consideration.

Mr. Speaker, energy drives almost every element of our lives and our livelihoods. In addition to what is noted above, the department continues its work on outreach, partnering where possible with other organisations, such as Greenrock, to ensure that the energy efficiency and conservation messaging is consistent and sustained.

Mr. Speaker, we believe that creating a culture of energy efficiency and conservation will be a major pillar of any national energy plan, and so we must put our collective support behind any initiatives that help to educate consumers on how they can reduce their consumption and better control their energy expenditures. Conservation is generally the cheapest, most effective means by which the greatest impact can be made.

Finally, Mr. Speaker, I would particularly like to thank the Bermuda Energy Working Group (or BEWG) for their sterling efforts thus far in providing valuable input to the Energy Department on a range of energy policy and related issues.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Minister.

That brings us to the next Statement, which will come from the Honourable Minister of Health. Minister Jeanne Atherden, you have the floor.

STEPS TO A WELL BERMUDA—UPDATE

Hon. Jeanne J. Atherden: Mr. Speaker, once again, I rise this morning to offer an important message about the experiences from the front lines of our chronic disease risk factor survey.

The [STEPS to a Well Bermuda](#) survey is ongoing in the community and has made significant headway in uncovering the facts about our Island's health status.

There are urgent questions to answer about our people's health, and these answers will guide future planning of health services and policies. Mr. Speaker, we need these answers.

Already, at the midway point in the data collection, individuals have been identified who are at risk for chronic diseases or who have conditions which put them at risk of serious health complications, such as obesity, elevated blood pressure or abnormal blood glucose levels. Over 25 per cent of individuals have been found to have fasting blood glucose in the upper normal range (101–125 milligrams per decimal litre).

This is important information.

However, the survey reaches out to all segments of the community, even those with good health and regular access to care. It is a population survey, and the goal is to describe the health of our population, not just an individual.

Everyone selected to participate should willingly do so for the sake of the community.

Identifying the risk factors in our population and documenting these is essential work if we are to reverse the trend of rising chronic diseases, complications, disability and premature death. We need this information to put in place services and policies to address our health issues.

However, I want to report today that progress on completing the survey has hit a road bump. There has been surprising resistance by some in the community to being surveyed and an unanticipated drop in the number of active interviewers.

Mr. Speaker, the Epidemiology and Surveillance Unit (or ESU) of the Ministry is coordinating the survey, and they report that our community households have shown less than 70 per cent acceptance rate of participation when selected, and that nearly 50 per cent of those who participate in the initial two steps of the process do not complete all four steps.

These rates of participation reduce the amount of information collected and weaken the statistical power of this important population study. We cannot let this happen. The STEPS survey is an undertaking so basic and essential to the ultimate well-being of the community that it must be completed, and soon.

Mr. Speaker, I am pleased to say that this is *not* the end of the story, because there is a solid plan to get around the current bump in the road. All research efforts expect challenges, and we must be

prepared to regroup and deal with them—both the expected challenges and the unexpected ones.

This morning, I would like to share the plan of the STEPS survey organisers with this Honourable House and the people of Bermuda. The plan is to revitalise the survey outreach efforts and to rally support amongst the community to participate fully and complete the data collection by the one-year mark, which is approximately December 2014.

Mr. Speaker, what is needed to guarantee timely completion of this survey is the willing participation of the people of Bermuda in the STEPS to a Well Bermuda survey.

We are asking, encouraging and urging all those who are selected by the random household selection process to eagerly agree to participate and to complete all four steps of this historic and important health survey.

This effort is so important to our Island's health system and financial well-being that I appeal to each person across all social, economic and political groups, and every other demographic, to participate fully when asked.

Mr. Speaker, I want to make it clear once again how very, very important the information obtained by the STEPS survey is to the future of the country. When we all come to understand the true value of this survey, we anticipate an immediate upswing in the participation.

Just over a week ago, I attended a meeting in Washington, DC, at the Pan American Health Organization offices (PAHO) with the Health Ministers of the UK Overseas Territories and their support persons. The focus of this consultation was on the critical need to address the escalation of chronic diseases in the region, which threaten the health, social and economic stability of our countries. It was noted that when over 60 per cent of the adult population is overweight or obese, and over 10 [per cent] or 15 per cent have diabetes, for example, or other serious chronic diseases, the health, productivity and vibrancy of the community is threatened; the cost of health care spirals to unsustainable levels (as ours has) and the well-being of the nation is at risk.

Mr. Speaker, the message was clear that an essential first step in tackling the problems of chronic disease in countries is quantifying the problem and identifying the prevalence of the risk factors leading to these diseases. Remember—the risk factors of today are the diseases of tomorrow. Any country which is seriously addressing these health and economic threats has performed, or is in the process of conducting, a STEPS-like chronic disease risk factor survey. Bermuda is in the company of all the other Overseas Territories and the worldwide community of nations in trying to assess its population health status. We must do this.

So, Mr. Speaker, I restate that the plan of the STEPS to a Well Bermuda survey coordinators is to

intensify its outreach to the community by again contacting the households yet to be surveyed, making it as convenient as possible for them to participate. Participants will be encouraged to undertake the short survey and assessment on the spot and to attend the Saturday morning One Stop STEPS survey sessions now taking place at the Hamilton Health Centre on Victoria Street from 9:00 am to noon.

This new arrangement is to facilitate easy completion of all four steps of the survey in a short span of time. Participants are given an appointment, and can then be interviewed and have their physical measurements, blood pressure and blood glucose checked. They can also complete their oral health screening and physical activity assessments. The process is quick and easy, and the information obtained is so very important to the country.

Mr. Speaker, this is an historic survey for Bermuda, and we know it will provide essential health information about our community. However, we need the help of all selected households in the community to successfully complete the survey and provide this vital information. We are calling on these households and the diligent interviewers working in the field to help us complete this important undertaking.

Thank you, Mr. Speaker.

The Speaker: Thank you. Thank you, Honourable Member.

The Chair will recognise again the Minister of Health, who has another Statement.

CARIBBEAN UK OVERSEAS TERRITORIES MINISTERS OF HEALTH MEETING

Hon. Jeanne J. Atherden: Mr. Speaker, thank you for the opportunity to provide this Honourable House with a brief report on my attendance at a meeting of the [Caribbean UK Overseas Territories Ministers of Health](#), which was organised by the Pan American Health Organization (PAHO) at their headquarters in Washington, DC, on the 7th and 8th of July 2014. The invitation from PAHO included the cost of travel and lodging for me and one officer. I was pleased to attend and was accompanied by the Chief Medical Officer, Dr. Cheryl Peek-Ball, and my Permanent Secretary, Mr. Kevin Monkman.

Mr. Speaker, it was gratifying to have the opportunity to meet the Ministers of Health from all of the Caribbean UK Overseas Territories. This was the first time since 2008 that the Ministers had been provided the opportunity to gather to share the challenges and successes that are faced in each of our island homes. As well as Bermuda, Ministers from Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos Islands attended, along with their technical officers. In addition, representatives from Public Health England and the British Embassy in Washington, DC, took part. The three PAHO Coun-

try Representatives who work closely with the Territories were also present and assisted with arranging private meetings with the PAHO Director, Dr. Carissa Etienne.

Mr. Speaker, this was my first visit to PAHO headquarters, so I appreciated the opportunity to learn more about PAHO's history and role, its organisational structure and the PAHO Strategic Plan for 2014 through 2019. Over the course of the two days, we had in-depth presentations and discussions on such varied topics as:

- the role that Public Health England can play in providing assistance and advice to the UK Overseas Territories;
- communicable diseases and health analysis;
- non-communicable diseases and risk factors;
- determinants of health and promoting health through the life course;
- health systems;
- preparedness, surveillance and response; and
- common priorities, health issues and needs across the Caribbean UK Overseas Territories.

Mr. Speaker, as I indicated, we had the opportunity to meet with the Director of PAHO to provide her with insights into the health challenges facing Bermuda. As you can imagine, the cost of health care and the debilitating impact that non-communicable diseases are having on our health outcomes were at the top of our list. Not surprisingly, these issues were at the top of almost all of the other islands' lists of issues, as well.

In addition to meeting with the director, we had the opportunity to discuss ways in which Bermuda could take advantage of PAHO's purchasing power to acquire medications at significantly lower costs. The Department of Health already takes advantage of PAHO's Revolving Fund to purchase vaccines for Bermuda. The Revolving Fund has been used for a number of years and ensures that vaccines are received from reputable producers and that the products are delivered to Bermuda under the appropriate temperature-controlled conditions. PAHO is also expanding the list of medications available through the Strategic Fund. These are non-vaccine drugs, and they cover a range of uses, including anti-retrovirals, drugs for non-communicable diseases, [as well as] oncology/chemotherapy drugs. We are sharing the information gathered with both the Bermuda Hospitals Board and the Department of Health so that they can ask PAHO to bid on their medication orders.

Mr. Speaker, all of the PAHO member states contribute to the ranking of health priority issues across the region, and I was struck by the number of islands that had similar priorities. Collectively, five of the six Overseas Territories listed their priorities as:

- Non-communicable diseases (NCDs) and risk factors. Countries faced challenges with de-

veloping plans for tackling NCDs, producing evidence-based guidelines and access to medications for controlling NCDs such as diabetes and high blood pressure.

- Health governance and financing. Again, the development of comprehensive national strategies, policies and plans was identified as challenges.
- HIV/AIDS and sexually transmitted infections were a common theme, but Bermuda has had considerable success in tacking this communicable disease issue.
- Mental health and substance use and abuse disorders were raised as particular issues, especially as they contribute to the premature deaths of young people through violence and road traffic collisions.
- Finally, the challenges with implementing health systems, gathering health information and producing evidence-based recommendations were cited as common issues—not just in the Overseas Territories, but in other Caribbean islands.

Mr. Speaker, let me conclude by thanking PAHO for organising this important meeting, which will lead to greater communication and cooperation among the Caribbean Overseas Territories. We share similar health challenges, and there is no reason that we cannot also share our solutions.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Minister.

And I believe you have one more Statement, Minister, on residential long-term care. So you have the floor again.

RESIDENTIAL LONG-TERM CARE IN BERMUDA

Hon. Jeanne J. Atherden: Thank you, Mr. Speaker.

As Honourable Members are aware, my Ministry has responsibility for seniors, which includes the provision of [residential long-term care in Bermuda](#). The Residential Care Homes and Nursing Homes Act 1999 and the [Residential Care Homes and Nursing Homes] Regulations 2001 set the standards of care to be provided by these homes. A “residential care home,” which is identified by the Act, is often referred to locally as a “rest home,” so that is the term I will use.

Rest homes typically provide independent living or assisted living accommodations for persons 65 years and older, or for disabled persons. Nursing homes provide care to seniors or disabled persons who require a higher level of medical care and attention. As you can imagine, the level of staffing and the facility requirements for a nursing home are far more stringent than for rest homes. Concern has recently been raised regarding the quality of care provided by

some of our homes, and those concerns warranted looking into. So that is what I did. I did some digging, and I took the opportunity to visit some of the Island’s rest homes and nursing homes.

Mr. Speaker, I would like to take this opportunity to share some of what I found (the good and the bad) and to provide Honourable Members with a bit of information on what I, as the Minister responsible for seniors, am planning for the future.

Mr. Speaker, the National Office for Seniors and the Physically Challenged (NOSPC) is currently responsible for inspecting and registering all residential homes and nursing homes. I have learned that when homes are inspected, they are visited by a team of professionals, which can include staff from NOSPC, the Environmental Health section of the Department of Health, a community health nurse, the Bermuda Fire Service, a Government nutritionist and sometimes an occupational or physical therapist. The inspections are thorough and document, in writing, the findings of the inspection team.

I have reviewed a number of the inspection reports, and I can confirm that they record positive and negative outcomes. Where a home is deficient, the administrator is given a deadline for making improvements, and follow-up inspections should take place. I have asked NOSPC to review their documentation and, especially, their follow-up inspections, to make absolutely certain that deficiencies are addressed. Plus, I have asked that NOSPC’s procedures for following up on complaints and concerns be expanded to ensure timely communications on the status of the investigation so that those who raised the concerns are kept in the loop regarding the resolution.

Mr. Speaker, the three most senior staff at the National Office are all retiring this year, so we are viewing this as an opportunity to review the role and responsibilities of the National Office, which, in my view, have never clearly been set out. Management Consulting Services has been asked to review the organisational structure and role of NOSPC, which is currently responsible for seniors and Bermuda’s disabled population, as well as the management and operation of Orange Valley and the Opportunity Workshop.

We will also be reviewing a number of reports and recommendations which were developed on the management and operation of residential care in Bermuda. We need to take a close look at how Sylvia Richardson, Lefroy House, the Continuing Care Unit and the Alzheimer’s Unit at the hospital are managed to ensure that we take advantage of combined purchasing power and the possibility of shared staffing between facilities. Although these reports were not implemented at the time, I am going to go over them to see if they contain certain recommendations that I want to take forward.

Mr. Speaker, before her untimely passing, Mrs. Louise Jackson was instrumental in assisting the

then-Minister of Health and Seniors with the establishment of a Seniors Advisory Council. The council, with the assistance of a policy analyst from the Ministry, worked with focus and dedication to develop an Ageing Plan for Bermuda. I am currently reviewing the outline of that plan, which urges that our ageing demographic be considered when all and any policies are being developed. We speak about health in all policies, and we need to include ageing in all policies, as well.

I have to stress, Mr. Speaker, that the proposal is not just about what the Government can do and should do for seniors. It is also about what young people need to do to plan for their old age. We should not grow old expecting someone to take care of us. We have to plan and prepare. We have to make sure that we save, contribute to our pensions, modify our homes to meet our needs as we grow older, and ensure that we maintain our health insurance coverage even when we retire.

Finally, Mr. Speaker, this country needs to make plans for those among us who do not have the resources necessary to cover their own costs in their old age. Not everyone can remain in their own homes as they grow older, so there will always be a need for residential care facilities. But we need facilities, not just for the elderly, but also the young disabled—those young people who may suffer from physical, mental or cognitive disorders and need special care. There are also young people who, through accidents and injury, become disabled and require long-term residential care.

Let me be clear, Mr. Speaker: This care is expensive to provide, and someone has to pay, whether it be the individual or the Government. So, the decisions that have to be made are difficult, but they are also important. I want to explore ways that we can partner with the private sector to develop new care homes and to make those that are already operational less expensive.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

The Chair will now recognise the Honourable Minister for Public Works. Minister Patricia Gordon-Pamplin, you have the floor.

SCHOOLS SUMMER MAINTENANCE PROJECT

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to rise this morning to announce that the annual [schools summer maintenance project](#) is fully underway. The Ministry of Public Works has responsibility for the maintenance of some 30 schools including pre-schools, primary and middle schools.

Mr. Speaker, many of the schools are dated and require extensive maintenance and repairs. Most works cannot be completed during the school year, for health and safety reasons and to minimise the disruption to classes. The majority of the works are therefore planned for and completed when the children are out on vacation. The longest vacation is, of course, the summer holidays, which began at the end of June and will run through mid-September.

This year's summer maintenance programme began in April, with our Buildings Section crews inspecting and identifying maintenance and repair issues for each school. The scope of works for each school was then drawn up and agreed with the Facilities Manager from the Ministry of Education. The works were then planned to start as soon as the holidays began.

Mr. Speaker, the works are underway as I speak. They are extensive and involve seven work units from the department, with over 120 staff including HVAC crews, electricians, plumbers, carpenters, masons and painters. All of the Buildings Section of the Ministry are fully engaged in these works right through the summer.

Mr. Speaker, the scope of works and tight time frame require additional resources to assist in this project. As such, contracts have been awarded to companies to paint the interior and exterior of T.N. Tatem, Harrington Sound and Dellwood Middle School. The contracts were placed out to tender, with a concerted effort for small companies to be awarded the contracts as far as possible. These works are in addition to general painting being carried out by the department's painting crews.

Mr. Speaker, the Ministry of Education has also awarded contracts to companies for works including the asphaltting of parking lots, refinishing floors, restroom renovations and fencing projects. Between the two Ministries, some 22 companies have been contracted to do work to assist in getting the schools ready for the new school year. The companies employ over 120 Bermudians, with most working on the schools project.

Mr. Speaker, the goal is to ensure that the works are completed before the start of the new school year. I am pleased to report that the works are well underway and are expected to be completed on time. I would like to take this opportunity to thank the staff of the Buildings Section for their work on this project. The irony is, Mr. Speaker, that if they are successful in this project, their work will go unnoticed.

Mr. Speaker, thanks to the dedication and hard work of the Buildings Section of the Ministry of Public Works, and the assistance of a number of private companies, we anticipate that the buildings will be ready for the students at the start of the new school year.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.
The Chair will recognise the Minister Wayne Scott.
You have the floor.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

Hon. R. Wayne Scott: Thank you, Mr. Speaker. And before I go to read my first Statement, I would like to ask for leave to introduce three papers to the House that were mistakenly left off the Order Paper, but we did have approval. And, Mr. Speaker, one of these is pertinent to the Statement that I am going to read.

The Speaker: Right. Absolutely, Honourable Member.
If there are no objections, you can carry on.

BERMUDA SPORT ANTI-DOPING AUTHORITY ANNUAL REPORT FOR 2013/14

Hon. R. Wayne Scott: Thank you, Mr. Speaker.
I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Sport Anti-Doping Authority Annual Report for 2013/14.

The Speaker: Thank you, Honourable Minister.
Any objections to that?
There are none. That will be laid.
Carry on.

BERMUDA SPORT ANTI-DOPING AUTHORITY FI- NANCIAL STATEMENT FOR 2011/12

Hon. R. Wayne Scott: Thank you, Mr. Speaker.
And also, I have the honour to attach and submit for the information of this Honourable House of Assembly the Bermuda Sport Anti-Doping Authority Financial Statement for 2011/12.

The Speaker: Thank you, Minister.
Any objection to that?
There are none. So that will be laid as well.

BERMUDA NATIONAL SPORTS POLICY

Hon. R. Wayne Scott: Thank you.
And finally, Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda National Sports Policy.

Mr. Speaker, I will also point out that, for Honourable Members, copies of these documents will be sent electronically.

The Speaker: Thank you, Honourable Member.
Any objections to that?
There are none. So that will also be laid.

And, Minister, please carry on with your Ministerial Statement.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

[Continuing]

BERMUDA NATIONAL SPORTS POLICY

Hon. R. Wayne Scott: Thank you, Mr. Speaker.
Mr. Speaker, as you may recall, the progress on the National Sports Policy was one of the initiatives assigned to the Ministry of Community, Culture and Sports in the November 2013 Speech from the Throne.

Mr. Speaker, it is with great pleasure that I rise this morning to announce to Members of this Honourable House and to the people of Bermuda that I am releasing Bermuda's National Sports Policy, "Sporting Success: Our Vision and Beyond."

Mr. Speaker, in the interests of saving money (and, of course, new trees, too, as I just mentioned) the national sports policy has been made available to this Honourable House as a PDF file rather than as a hard copy. Electronic copies of the policy will be available for viewing on the Bermuda Government website; the Ministry of Community, Culture and Sports website; and the Department of Youth, Sport and Recreation website. Hard copies of the National Sports Policy will be available for reference only at the Bermuda National Library by the end of the week.

Mr. Speaker, it is appropriate for me to give a brief synopsis of how our National Sports Policy has been developed.

Mr. Speaker, in February of 1980, the then-Minister of Community Affairs introduced a Green Paper on sport entitled "Sport for All," which was distributed to sports bodies and made accessible to the general public in August of 1980. The idea behind this was to generate discussion with a view towards identifying the problem areas in sport and recreation, defining options for solutions and promoting the interest and involvement of concerned citizens, leading to the development of a sports policy to advance sports across all sectors of Bermuda.

Mr. Speaker, the Green Paper, along with the responses from sports bodies and the general public, led to the formation of a Department of Youth and Sports White Paper, "Sport and Recreation: A Policy Paper," that was released and presented to Parliament in March 1981. The Green Paper sets out three guiding principles that the Department of Youth, Sport and Recreation has followed in preparing the National Sports Policy. These principles embrace the need to:

1. provide opportunities for all those who wish to partake in sport and recreation;

2. ensure that policies for these activities are coordinated so as to provide the facilities and programmes for maximum participation; and
3. assist our athletes to reach their full limit of their respective abilities.

Mr. Speaker, over the years, the Department of Youth, Sport and Recreation has held numerous consultations with various internal and external stakeholders regarding a National Sports Policy. More recently, on November 7th last year, the Department of Youth, Sport and Recreation held a successful roundtable discussion with national sports governing bodies (or NSGBs) around a National Sports Policy framework. Responses gathered at the roundtable discussion were taken into consideration and used to further guide development of the policy.

Mr. Speaker, a draft version of the National Sports Policy was distributed to all stakeholders present at the Annual National Sports Conference held at the Fairmont Hamilton Princess Hotel on Saturday, the 15th of February 2014. This provided a further opportunity for NSGBs to review the draft sports policy and submit feedback and recommendations for the Department of Youth, Sport and Recreation to take into consideration.

Mr. Speaker, the National Sports Policy is intended to establish a solid foundation for the development of sport and recreation in Bermuda. It is intended that the policy be used to formulate an action plan covering identified short-, medium- and long-term goals. By creating and implementing a national action plan for sport and recreation based on the policy, Government will seek to achieve several important objectives for sport over the next six years, taking us to 2020 and beyond.

Mr. Speaker, the National Sports Policy seeks to engage sports organisations to work in partnership toward the goal of sporting success in all areas such as:

- expanding on community participation;
- health and well-being;
- early recognition and development of sporting talent;
- training and respect for coaches, volunteers and administrators; and
- enhancing Bermuda's reputation both as a sporting nation and for hosting world-class international events.

Mr. Speaker, the National Sports Policy sets out Government's vision for sport and recreation for all, regardless of age, sex, disability, race, religion, social background and/or sexual orientation. The policy envisages "a Bermuda where sport and recreation ignites the passion of our people to participate, express pride and to attract visitors to our shores; where our athletes perform honourably, consistently and successfully to the extent of their abilities and inter-

ests at the highest competitive levels in a dynamic, structured, technology infused sporting environment."

Mr. Speaker, to achieve this vision, the Policy identifies two national outcomes that need to be addressed: increased participation and improved performance. In order to expand and sustain Bermuda's sporting infrastructure, four national priorities have been identified:

1. our people;
2. our organisations;
3. our facilities;
4. our athletes.

Mr. Speaker, the National Sports Policy is intended to provide overall direction and guidance to the Department of Youth, Sport and Recreation; other Government departments, such as Departments of Health, Education and Planning; and national sport governing bodies and other external stakeholders concerned with the areas of promotion, advancement and participation in sport and recreation in Bermuda.

Mr. Speaker, in order for the vision and outcomes to be fulfilled, all residents of Bermuda must embrace the Policy and see themselves as playing a role in implementing the action plan that is being developed by the Department of Youth, Sport and Recreation.

Mr. Speaker, I want to take this opportunity to express my sincere gratitude to the staff of the Department of Youth, Sport and Recreation for spearheading the development of the National Sports Policy, and to all the staff in my Ministry Headquarters for providing valuable assistance which has enabled us to cross the finish line and publish the policy.

Mr. Speaker, sport is inextricably linked to culture. Here in Bermuda, we frame much of our social activity around sports and recreation. This defines us as a people. I can speak with first-hand knowledge about how participation in sports brings people together. It is for this reason that I am very pleased to present Bermuda's National Sports Policy, "Sporting Success: Our Vision and Beyond."

Thank you, Mr. Speaker.

The Speaker: Thank you, thank you, Minister.

I think you have another Statement. You may carry on.

EMANCIPATION EVENTS—JULY 2014

Hon. R. Wayne Scott: Yes, Mr. Speaker, thank you.

Mr. Speaker, today I wish to share with my honourable colleagues and the people of Bermuda the emancipation events being organised by the Department of Community and Cultural Affairs. It is critical to our sense of pride in who we are as a people that we recognise and acknowledge the works and contributions of our forefathers and foremothers. Bermuda's story of enslavement, emancipation and the post-

emancipation era is, in many ways, akin to the global stories throughout the African Diaspora. However, this does not in any way detract from the importance of sharing and teaching about the struggles endured by our forefathers and -mothers of African descent.

Mr. Speaker, this year there is a suite of emancipation events being organised by the Department of Community and Cultural Affairs, beginning with the Kenneth E. Robinson/Cyril Outerbridge Packwood Memorial lecture at 6:00 pm on Thursday, July 24th, at the Bermuda National Gallery.

Mr. Speaker, the next event is the Emancipation Ceremony, which will take place on Sunday, July 27th, at 7:00 pm in the Earl Cameron Theatre. This is when we take a moment in our cultural heritage calendar to pause to reflect upon and salute those people who persevered against insufferable odds so that we may have a more just society.

As we have done for the past two years, Mr. Speaker, the Emancipation Ceremony will honour many of our ancestors who, during the post-emancipation era, demonstrated such noble characteristics as courage, perseverance, self-discipline, concern for others and self-reliance. This year, the ceremony will shine the spotlight on six families from Hamilton Parish and six families from Southampton Parish. The families being so honoured from Hamilton Parish are the Furberts, the Gibbons, the Hills, the Hodgsons, the Richardsons and the family of Seward Ethelbert Smith, Sr. The families from Southampton Parish are the Burrows, the Lees, the Raynors, the Wilsons and the family of John Ellis Smith.

We will be informed about their entrepreneurial skills and business acumen. We will be reminded of men such as Seward Ethelbert Smith, Sr., Prince Hodgson and others, who advocated for racial equality and social justice, and their strong work ethic and commitment to improving not only conditions for themselves, but others as well.

Mr. Speaker, during this ceremony, we will pause and pay homage to these individuals on whose shoulders we now stand. For example, because of men such as Ernest Thompson Furbert—who was the first black Member of Parliament for Hamilton Parish, and was succeeded by his younger brother, W. B. Furbert, who won a seat in Parliament during a time when blacks were underrepresented in the House of Assembly—many of us now serve the people of Bermuda and have the honour and, indeed, privilege of sitting in these hallowed halls.

The ceremony will also acknowledge some of Bermuda's cricket legends who hail from the Raynor family. This family not only contributed such great Cup Match players, they were also businessmen. Another family that contributed [much] to sports, politics and the church was the Burrows family, and a singular, major accomplishment for them was their pioneering work in the plumbing business.

Mr. Speaker, one of Bermuda's first black architects hails from the Lee family. Other families, such as the Hodgsons and the Hills, demonstrated their entrepreneurial skills and business prowess, as well.

Mr. Speaker, there will also be a mini exhibition in the foyer of the City Hall prior to the start of the Emancipation Ceremony. There will be items on display from yesteryear which serve as reminders of the work and skill of our forefathers and mothers. All of this underscores the rich heritage that we will be celebrating on July 27th.

Then, Mr. Speaker, on Tuesday, July the 29th, the department will launch the Bermuda Heritage Documentary Film and Lecture Series with the airing of an emancipation film which features Angela Barry, Maxine Esdaille, Dr. Radell Tankard, Joy Wilson Tucker and Sharon Wilson.

Mr. Speaker, it is with a great deal of pride and gratitude that we honour families from Hamilton and Southampton Parishes. And we will encourage everyone to come out and support this event. There is an African proverb that says, *A child we refuse to build today will end up selling the house we may build tomorrow*. Mr. Speaker, we must continue to educate, inform and uplift our people for the betterment of all.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister. And I think you have one final Statement.

COMMUNITY-DRIVEN DEVELOPMENT—UPDATE ON GROUP ONE

Hon. R. Wayne Scott: Yes, Mr. Speaker. Final Statement, Mr. Speaker, I would like to update this House on Community-Driven Development Programme and group one cohort.

Mr. Speaker and Honourable Members of the House, I rise today to update you on the progress of the Community-Driven Development [CDD] programme, a Throne Speech initiative that the Department of Human Affairs, in conjunction with and under the auspices of the Bermuda Women's Council, began in early 2013.

Mr. Speaker, as a reminder, the primary focus of the programme is the development and/or retooling of persons who are unemployed or underemployed to become self-sufficient. The programme has a four-pronged approach which involves the provision of workshops, formal education, site visits and work-shadowing and volunteering. Part of this retooling process also involves teaching participants the elements of business planning, with the ultimate goal that they would be instrumental in starting a business.

Mr. Speaker, as Members will recall, the first group of CDD participants commenced in spring 2013 and graduated from the educational/retooling part of the programme in June of this year. The second group commenced in January of this year and are in the

midst of the workshop phase of the programme. The key component, or main thrust, of the CDD programme is job creation, and I wish to emphasise that point, Mr. Speaker, that the participants in the programme must create their own businesses and their own opportunities, to ensure capacity.

Mr. Speaker, group one's proposal is for the establishment of a day-care facility, and they have developed a solid business plan to open a facility that will cater for children from the ages of three months to four years old. Mr. Speaker, I am very pleased to announce that the programme has secured a location for the day-care facility within the city of Hamilton, and the intention is for Scribbles—which is the name of the day care—to be open for business by December 2014.

Mr. Speaker, the vision is for a multipurpose facility that can also be used for other revenue-generating uses such as weekend birthday parties and after-school care for children. What will set this day care apart from all the rest is the innovative curriculum planned for Scribbles. It will encourage a life-long love of learning through play where age-appropriate, creative, interactive and unique lesson plans will be brought to life in a fun, imaginative way.

Mr. Speaker, the building will require some renovations, and the team is working with an architect to prepare plans. The intention is to hire skilled persons, such as carpenters, electricians and plumbers—through the Department of Workforce Development—who are unemployed to carry out the renovations. This is truly a Community-Driven Development project.

Mr. Speaker, this is a major achievement, as some of the participants who may have entered the programme without a GED will now seek to obtain a child day-care certification and/or an associate's degree from the Bermuda College.

Mr. Speaker, of the 13 participants who graduated from the programme in June of this year, two are employed full time, two are employed part-time and two are continuing with their work shadows. Eight participants, including two from Group Two, have been earmarked to work at Scribbles as teacher's assistants and cleaners. Even those persons who will be cleaning the facility have either had training for that job or shortly will be taking courses to enable them to fulfil that role.

Mr. Speaker, I want to make it very clear that this day care will not be Government owned or funded. It will be a self-sustaining operation utilising monies raised from fundraising and donations from the private sector. Any extra monies will be put back into the CDD programme. As always, we wish to thank our current private industry partners who have contributed to the success of this initiative; the ACE Women's Forum Bermuda; Bermuda Cablevision, for its financial contribution; and others. We hope that

more private partners will support this much-needed initiative in the future.

Mr. Speaker, there will be other businesses developed under the CDD banner, including more pop-up businesses, such as the Christmas gift-wrapping business which will be organised again this year during the 2014 Christmas season. These are all aimed at creating employment opportunities for underemployed and unemployed men and women. The objective is for the participants of the Community-Driven Development programme who have completed the programme and are not employed by that time to feed into and be employed in these businesses and projects.

Mr. Speaker, this is not business as usual. This is a different way of doing business. In these economic times, we must be creative and think outside the box in order to address the many facets of the problem.

Mr. Speaker, I look forward to providing this Honourable House with the next update as regards the success of the day care and to announce the business that Group Two has established.

Thank you, Mr. Speaker.

The Speaker: Thank you, thank you, Honourable Member. Thank you.

REPORTS OF COMMITTEES

The Speaker: There are no reports of committees.

QUESTION PERIOD

The Speaker: So we now move to Question Period.

Those questions should be given to the Clerk. The answers to these questions should be given to the Clerk in writing. So I would appreciate if that were done, if the Permanent Secretary of the Ministry can be in touch with the Clerk.

The Chair will recognise Member T. E. Lister, who has a question for the Honourable and Learned Attorney General [*sic*] with reference to his Statement.

Your first question, MP T. E. Lister, from constituency 33.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

The Speaker: Sorry. The person I am referring to is the Learned Member Shawn Crockwell, who is the Minister of Tourism and Transport.

Hon. Terry E. Lister: Mr. Speaker, the Honourable Member was expecting questions. His concern was that the Premier may have moved him and not told him.

[Laughter]

QUESTION 1: GOVERNMENT'S GAMING INITIATIVE UPDATE

Hon. Terry E. Lister: I could see that in his face. He was really concerned. But, no, as we know, he is still in that position of Minister of Tourism and Transport.

And my first question relating to the update on the Government's gaming initiative is, Is the Minister aware of the very sharp decline that has been experienced by Atlantic City? It is almost out of business. And how does that relate to where we are going here?

The Speaker: Yes. Minister?

Hon. Shawn G. Crockwell: Yes, thank you, Mr. Speaker. I thank the Honourable Member for the question.

I am aware of what is happening in that jurisdiction, and it is primarily a result of over-saturation of casinos there and increased competition in nearby states. So, we have seen other . . . Atlantic City was the second jurisdiction in the United States, next to Nevada, where people went to game. And they, on the East Coast, dominated that market for many years. Now we see other places, like Maryland and Delaware and the like, having casinos.

So that aspect demonstrates that as other states introduce it, it shows that it is still considered a viable industry. But because they were making so much money in Atlantic City, it was an over-saturation. What we are seeing now is really a correction of it. So they went from making \$5 billion in revenue to now about \$2.5 [billion]. So, what that tells the Government is that we have to stick to the data that we have, which suggests that we can only sustain three licences within our current economic environment. And we do not intend on having an over-saturation here.

The Speaker: Do you have a supplementary, MP Lister?

Hon. Terry E. Lister: Yes, Mr. Speaker.

The Speaker: Yes?

SUPPLEMENTARIES

Hon. Terry E. Lister: The Minister gave me a very good response. His last sentence forced me to change my follow-up question. My question was going to be, *Given all of that, dah-dah-dah-dah-dah, how many licences are you going to do?* And he was going to say, *Three*, which he said already.

However, I would change my question, really, and say that on the third page of his Ministerial Statement he outlined a whole set of conditions and things that he wants to do. But given this . . . and the very first point says he wants to promote and encourage development of the hotel industry through new

construction and redevelopment of existing facilities. This being the case, and trying to get the new hotels and get the old hotels running, how will the three be allocated? What is the reasoning and the thinking behind that?

The Speaker: Minister?

Hon. Shawn G. Crockwell: Yes, thank you.

Again, just to clarify that we will have a maximum of three. There is no guarantee that the Commission will ultimately grant three licences. There will also be other criteria, such as a minimum amount of hotel rooms. So, many hotel properties will not qualify based on the various criteria that will be in place. So, the ultimate decision will be the Gaming Commission. They will look at each application.

But, to avoid falling into the situation that we see in Atlantic City, we have to maintain the fact that, from an economic perspective, we can only manage three licences. So, ultimately, there will be different criteria, and at the end of the day we have to be guided by that good advice.

The Speaker: MP Lister?

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Again, a very good answer. The second-to-last point deals with one of the issues (and this is a supplemental). It deals with one of the issues that many of those who oppose gambling in Bermuda are concerned about. And the bullet point says, "proper attention to the matter of problem gaming."

Would the Minister care to outline for us his thoughts on how this proper attention to problem gaming is going to be dealt with?

The Speaker: Minister?

Hon. Shawn G. Crockwell: Yes, thank you.

Also, this would be featured in the regulations and somewhat in the primary legislation. As I stated during the public forums that we had, there are a variety of what we call "social safeguards" that will be put into legislation to prevent those who are deemed to be more vulnerable to this type of activity from being able to participate.

There are also issues that we all have in terms of those who will qualify to be able to engage in it. For example, those individuals who may be on financial assistance would be excluded from being able to participate. There will be other types of exclusions. For example, if someone in a particular family knows that a family member is having challenges with gaming, they can present that information confidentially to the Gaming Commission, and, after a sufficient investigation, that person may be excluded if it is determined that they are having an issue or a problem with gaming.

So, these are various restrictions and exclusions which will be evinced in the legislation to mitigate against any problem gaming.

The Speaker: All right. Thank you, Minister. MP, do you have another question?

QUESTION 2: GOVERNMENT'S GAMING INITIATIVE UPDATE

Hon. Terry E. Lister: My second question, yes.

Mr. Speaker, we had the opportunity of having a Statement from the Honourable Grant Gibbons today when he talked about energy reform. And twice on the first page, I have circled "Request for Proposal."

The Speaker: Oh, you are going to—

Hon. Terry E. Lister: No, no, no. I am giving the—

The Speaker: Background?

Hon. Terry E. Lister: I am building my question.

The Speaker: All right.

Hon. Terry E. Lister: The Honourable Grant Gibbons twice talked about the Request for Proposal [RFP] and how these people were selected.

However, on page 4 of the Statement, the Minister of Tourism Development and Transport has engaged Spectrum Gaming Group to provide expert advice. And everything he talked about sounds very good. But those three magic words that Dr. Gibbons used twice, I do not see.

So, I am going to ask the Minister to explain to us why, unlike the Honourable Dr. Gibbons, he saw fit to bypass the Request for Proposal process in something as important as this.

The Speaker: Minister?

Hon. Shawn G. Crockwell: Yes, thank you. I think I am going to have to have a conversation with Dr. Gibbons afterwards. But, no.

[Laughter]

Hon. Shawn G. Crockwell: We did not have an RFP for this. The short answer is that, because we want to get this done this year, there was a time issue. However, we did have dialogue with quite a few entities. Quite a few entities knocked on my door. As you can imagine, because of this industry, people would see opportunities for business. And we had a process where Spectrum met with my Ministry. Spectrum made presentations to the Cabinet.

And we were more than satisfied that they were adequately qualified to assist us. They did so with Singapore. And because we are using the Singaporean statutory framework, it made sense to use the same group that advised them to advise us. So, that gave us a leg-up. And it is only a short-term engagement at this stage. It is a three-month engagement. So, we are working them quite hard so we can get ahead of the ball game with the legislation.

The Speaker: MP Lister, supplementary?

SUPPLEMENTARIES

Hon. Terry E. Lister: Yes, supplementary.

Again, giving all praise and honour, as we would say in the church, to Dr. Gibbons—

[Laughter]

Hon. Terry E. Lister: —he goes on to say—

Dr. the Hon. E. Grant Gibbons: I will give you an *Amen* to that.

[Laughter]

Hon. Terry E. Lister: Amen.

—"with the intent of having public consultations in the fall." Mr. Speaker, this issue has generated a lot of heat in the community from time to time. But quite recently it seems like other issues have taken over; I do not know what they really are. But this one generated a lot of heat.

That being the case, I would like for the Minister to tell us why in his Statement that comment about the intent to have public consultations did not appear? Again, I am giving a lot of credit to Dr. Gibbons this morning. But help us with that.

Hon. Shawn G. Crockwell: Thank you.

Well, we had public consultation already. So, Dr. Gibbons may be following my lead on that.

[Laughter]

Hon. Shawn G. Crockwell: But we had three public meetings, as you will know, in the east, central and in the west end. All of them were well attended. I have to say the one in the west end had the most heat, Honourable Member.

But we have been very, I think, thorough in explaining what the Government's intentions are. And I am certainly not averse, once the legislation is done and we know exactly where we are going . . . Again, we had a draft Bill as it relates to the primary legislation, which was far more comprehensive and voluminous than I expected. And then we are going to have

associated regulations, which I expect to be equally comprehensive.

Once we get there, it is not a bad idea to go back to the community and say, *This is where we are, and this is where we are going.*

The Speaker: All right. Thank you, Minister.
MP Lister, a third question?

Hon. Terry E. Lister: No, second supplemental.

The Speaker: Another supplementary?

Hon. Terry E. Lister: My last question, really.

The Speaker: All right.

Hon. Terry E. Lister: I want to thank the Minister for what he just said. And I want to ensure that his feet are held to the fire so we do actually go out and translate it for people.

Members of the public struggle with legislation, trying to read and make sense of it. I daresay there are some Members of the House of Parliament who struggle with legislation, trying to make sense of it. But I will not go too far down that line today.

[Laughter]

Hon. Terry E. Lister: However, my last question is, When do you hope to have the Bill tabled?

Hon. Shawn G. Crockwell: Yes, thank you.

As stated in the Statement, it is our intention to table both the primary legislation and the regulations in November.

The Speaker: All right. Thank you. Thank you, Minister.

MP Lister, now you have questions on Dr. Gibbons' Statement on energy initiatives.

Hon. Terry E. Lister: Mr. Speaker, I was so impressed with that, but I was also impressed with the middle school transformation. I did not ask your permission to ask questions at the time.

The Speaker: Well, you may. You may.

Hon. Terry E. Lister: Thank you very much. It is the same Minister.

The Speaker: So, you are going to do the middle school initiative first?

Hon. Terry E. Lister: Yes, the middle school transformation first, please.

The Speaker: All right.

QUESTION 1: MIDDLE SCHOOL TRANSFORMATION

Hon. Terry E. Lister: And, Mr. Speaker, you know, it is very interesting that the Minister decided to start at the middle school level, bypassing the primary. I think that may, in time, prove to be a challenge or a problem.

But I want to congratulate him on what he has done. It is outstanding. This is an outstanding piece of work.

Now, on page 7 of the report, under Action VII (seven and seven), the Minister said that we will ensure that all students have academic interventions if they fail classes within the first quarter. This is something that really is first class. We agree with it all around. I am sure every Member on this side—that being Cole Simons and myself—agree with that.

[Laughter]

Hon. Terry E. Lister: I do not have a problem; I would be surprised if Cole Simons had a problem.

So, whilst we all agree with it, the question is, How will this be funded? And give us some examples of the strategies that will make this work, how we are going to undergird it.

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you. Thank you, Mr. Speaker.

Mr. Speaker, I think there is an old adage which says, *How are you successful in education?* And it goes like this, *Get the best teachers. Get the best out of those teachers. And jump in quickly when students fall behind.* I think this is the third part of that.

The Honourable Member will also be aware that under the Education Act, in section 25 there is also almost a statutory requirement to not only look at how schools are doing, but also to jump in quickly when students get behind. These would be the individual lesson plans. And I think the issue here is to take those broader requirements seriously.

I think I can speak to the Honourable Member in more detail. I think some of this needs to be still worked out in terms of which teacher is responsible. Obviously, the principal is responsible as well. But I think the obvious issue here is to recognise very quickly which students are getting behind. And in some schools it may be up to almost 25 per cent of those that are not doing very well in the first semester. So the idea is to identify them and then work out an individual plan for all those students, to sort out whether it is perhaps English or math or science or social studies or whatever it may be, and then to work in very quickly with an individual plan here.

The Speaker: MP Lister?

Hon. Terry E. Lister: Supplemental, Mr. Speaker?

The Speaker: Yes, yes.

SUPPLEMENTARIES

Hon. Terry E. Lister: Going down to [Action] VIII, we see the sentence, "We will ensure that the majority of students enter middle school reading on grade level." Mr. Speaker, let me do a little bit of history for a second. You will recall that 1990, or thereabouts, Dr. Marion Robinson, the Permanent Secretary of Education, took a team, went to New Zealand and looked at the Reading Recovery programme. At that time, the Progressive Labour Party beat them up and beat up the Minister, because it was \$70,000 or \$90,000 to go out there. It was a huge sum of money.

Time proved that to be one of the best programmes we have ever done in education. The Reading Recovery programme in primary school is tremendously successful.

I would like the Minister to tell me how he is going to get these students back reading on grade when the Reading Recovery programme has been removed from the schools, not replaced by anything, and the reading at the higher grades was always a challenge. When I was the Minister, we had them back on grade at grade P2. By P6, they were falling away because we could not sustain it all the way. The programme is gone now.

Minister, tell me what you are actually going to do to ensure that these students come into middle school able to perform. And as I said when I first got up, I think this is great. But we really should start at the primary level, because primary gets a pass. Everybody thinks primary is great, when you and I, as Ministers know that is not quite true. Thank you.

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, let me start off by saying that I am also concerned with the issue of literacy and reading. We currently have . . . and I think there is a teacher, a reading teacher, at Berkeley now who is dealing with senior school students, because of what has happened over the years, where we have had this issue of social promotion.

You, Mr. Speaker, as a former Minister of Education, will know exactly what I am talking about, as well the Honourable Member.

Let me answer it by saying middle schools were identified as the first (I will say) "target" of the audits. But in the fall we will begin with primary schools. I am not sure exactly what date that will be, whether it is October or November. But primary schools are seen to be the next group of schools which will be looked at. Obviously, a broader group of

schools, there are 18 of them, so it is going to be a larger project in some respects.

But it is very clear if you talk to middle school teachers. Some of them will tell you that there has been social promotion at the primary school level, and these kids are being passed through. And they are entering middle school without reading, and in many cases without math proficiency and some of the other issues. So, clearly, this is something that needs to be addressed at that level as well.

I think every Minister of Education has essentially struggled with this issue of social promotion. But I think the concept behind Action VIII is to try and remove that issue.

I take the Honourable Member's comments about Reading Recovery. There have been a number of discussions as to how that will be addressed, going forward. But clearly, being able to read and being able to read at grade level is a very important part of being able to be successful in class no matter what level you are, whether it is primary or senior level, as well. That is something that is being looked at very clearly.

I know, with the retirement of Darnell Wynn, I certainly have some concerns. I have expressed those concerns to the senior members of the department, and it is something that I would like to be able to come back to the Honourable Member with as to specifically how we are going to deal with that. I do not have enough detail now to wing it.

But I think the answer is clearly important, not only at the primary level, but all the way through. Because, as we know, some of our institutions are filled with people who are essentially unable to read. And that is one of the major issues in terms of their success in life.

Thank you, Mr. Speaker.

The Speaker: Right. Thank you, Minister.
MP Lister?

Hon. Terry E. Lister: Mr. Speaker, you know, I almost feel like allowing somebody else to ask a question. But if no one else wants to, I will continue on.

Mr. Speaker, my second supplemental: Page 8 refers to another real key ingredient to educational success, that being behaviour. As we all know, many of our teachers are very frustrated with how they are being treated by students. We recently saw a case where a student appeared in court for attacking two teachers.

What new initiatives does the Minister intend to implement to address this very important issue?

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I actually spent a fair part of an afternoon with Dr. Bartley a few weeks ago. Because

coming back to me as well, both from teachers and others, is this issue of behavioural management in the schools.

As we have said under Action VIII here, there will be a new programme, a behaviour model, called Positive Behavioural Intervention and Supports (PBIS), which will be starting in the fall.

We are also looking at a number of other programmes that are being used in some US schools, which help to perhaps better identify some of the behavioural issues themselves so they get reported. I know Dr. Bartley keeps pretty good track of what are called “out-of-school suspensions.” I think there are also issues with in-schools, which are perhaps not being reported to the degree they need to be right now.

But as we have said in the action point number nine here, schools must be safe. They must be inclusive and supportive of all students. But they also must be safe for teachers. And we have to have classrooms where there is order. And simply because you have one or two children disrupting things, we need to find a way to address that.

There are also issues of taking children out of the classroom and keeping them with another faculty member so that the teacher and the rest of the class can get on with things. That is within school, sort of removing a child. Those are issues that I have certainly asked about and I think we are going to be exploring.

This is not a new problem. I can remember a former Minister of Education also speaking to this issue of disruption and safety in the classroom, as well. But it is one that, I think it would be fair to say, we take very seriously. Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.
MP Lister?

Hon. Terry E. Lister: Mr. Speaker, Action X says that we will raise the qualifications—

The Speaker: This is your second question, right?

QUESTION 2: MIDDLE SCHOOL TRANSFORMATION

Hon. Terry E. Lister: This is my second question—for all middle grade teachers within three years. This is admirable. Three years seems like a bit of time, but that is okay.

The question I have for the Minister is, Has the BUT [Bermuda Union of Teachers], the union representing the teachers, been shown this new directive and directions, and what has been their response? What is the response of the BUT?

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Mr. Speaker, I have not spoken directly with the BUT on this matter. But as this action plan has been broadly socialised within the middle school area I am sure that it has come up as a topic of conversation. What we are talking about here is developing a plan to increase the content and instructional competency of all teachers, so, if it is a subject area, to have teachers better able to have depth and experience in that subject area.

Also, in terms of managing the instruction itself, we have already started with some of the professional development that I have talked about. There are some 20 team leaders that were essentially trained back in May under the Pearson programme that was put in place. So, I think this process has already started to some degree. But as to the Honourable Member’s question about the BUT specifically, I have not personally spoken with them on those issues, but I will certainly endeavour to find out what their comments were.

The Speaker: All right. Thank you, Minister.
MP Lister?

SUPPLEMENTARY

Hon. Terry E. Lister: Mr. Speaker, I have two supplementals that deal with the overall situation.

The first one is, Who does the evaluation and what steps will be in place should teachers and/or principals not be successful, not perform at the level that we hope them to get to? Who will take that responsibility?

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker. Yes.

I guess there are two answers to that. Clearly, principals have a responsibility for ensuring that they have a clear understanding of whether teachers are performing adequately or not. I think we all understand that. As far as teachers are concerned, I think that is going to be primarily at the commissioner level. We have an acting commissioner right now. And some of that will probably be delegated to some of the senior education officers because the schools, depending on whether you are talking about primary, middle or senior, and west end or east end or central, are broken down into various levels of responsibility.

But I think the issue is the audits, which are very detailed and comprehensive across the five middle schools, already have established pretty clear baselines and information as to which schools are performing, and within those schools whether the principals are doing their job from an instructional and leadership perspective and whether teachers are or

are not, as well. Because it was a fairly . . . it was a lot of drill down in the audit. And I think the detail of audits on each school will not be necessarily made publicly available, but certainly have already been shared with teachers, principals and members of the PTA.

So I think parents involved have a pretty clear sense of how those middle schools are doing and what needs to be done to raise the level, which is why we have got this 10-point plan. Thank you.

The Speaker: MP Lister, second supplementary?

Hon. Terry E. Lister: Mr. Speaker, I have decided really to pass on my last question and move on.

The Speaker: Okay.

Hon. Terry E. Lister: I want to end this paper the way I started, though, to thank the Minister for what he has got planned, what he hopes to do. Our middle schools are vital to the success of our students. And, should the Minister be successful, the country is going to get a great benefit. So, thank you for that.

Mr. Speaker, I would like to move on to the current energy initiatives.

The Speaker: Yes.

QUESTION 1: CURRENT ENERGY INITIATIVES 2014

Hon. Terry E. Lister: And my first question deals with the work that is being done by the committee in securing a consultant to look at the whole area of the inter-connection agreements. I want to know when we expect the work that the consultant is going to do—and he is not picked yet—to be completed? I ask that because of the importance of really getting these inter-connects going.

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

In order to answer the Honourable Member's question, I would simply start by saying that we set up this Bermuda Energy Working Group, which had membership from both the utility, BELCO, and also a number of providers in the alternative energy space. The object of the group was, first of all, to look at this broader issue of what would be a fair and equitable Internet connection rate that, say, somebody having a commercial PV [photovoltaic] assembly on their roof would be able to essentially get from the utility, essentially passing on excess power that they do not actually use themselves.

Right now, the way it works on a residential scale, it is called "net metering." If you have a small PV array on your roof, and you do not use all the

power from that, what happens is the excess power gets fed into the grid and you get a one-for-one credit for that.

It is easy on a very small scale to do that. But when you get into larger commercial arrays where you are talking about certainly many hundreds of kilowatts or even maybe megawatts, then you have to work out an agreement. There is currently one, for example, at Tynes Bay between BELCO and Tynes Bay. And that works out at, I think, about eighteen cents per kilowatt hour which BELCO pays to Tynes Bay for excess power that Tynes Bay generates as a consequence of that waste-to-energy procedure.

I say all that just so people will understand what we are talking about here.

This committee has been meeting since about the middle of last year. And I was hopeful that they would be able to sit down and work out with the utility what would be a fair and equitable rate and what would be the terms and conditions under which these connections would take place. It turned out to be more complicated than I think we all thought. And that is why in February we actually went out and said, *We need some expert advice from somebody, or a group, that has been doing these kinds of power purchase agreements in other places.*

Actually, we have chosen a group. It is Gowlings, which is a Canadian law firm, which has extensive experience in this area. There were about a dozen who submitted proposals to us. They have already had one conversation with the Bermuda Energy Working Group about a week or so ago. They have already started to essentially work on these power purchase agreements, and I am hopeful that those can be sorted out during the course of the summer.

I think, as the Honourable Member said and we have said in the Statement, this is a very important area. Because if you are going to do, particularly a commercial array here, you want to know down the road or at least from now until, let us say, 10 years out, how much you are going to essentially be able to charge the utility for selling them excess power. Because that would really depend to what degree on what your financing feasibility is likely to be and the sustainability of your putting in the commercial PV array or wind power, or whatever it may be in the first place.

So, it is a critical issue, and obviously one that was identified as far back as the 2011 White Paper as well. Thank you.

The Speaker: Thank you.

MP Lister, supplementary?

SUPPLEMENTARIES

Hon. Terry E. Lister: Yes.

Mr. Speaker, in the Statement at the top of page 2, the Minister, as he just alluded to, says there

are customers who are interconnected to the grid and are providing their excess power to the system, but who currently are not being compensated.

Mr. Speaker, my question is, Why is BELCO, or is BELCO passing on the savings that it is getting through this process to the public? We have a great cry amongst our people about the cost of electricity, the costs of operating their homes. If BELCO is being the beneficiary, they should be passing it on. And the Minister also mentioned in the Statement that there is close to a megawatt of installed solar PV and hundreds of kilowatts of generally avoided electrical use due to the solar installation.

So, let us know a little bit about what BELCO is doing with this benefit it is enjoying.

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

Let me separate out the residential, which is close to one megawatt that we are talking about there. That is currently dealt with under the net metering procedure, and that has been looked at through the Energy Commission, who obviously is, as the Honourable Member will know, the rate determining body for BELCO and for some of these other issues. So that is currently being addressed.

With respect to the commercial installations, I think it is . . . (Let me be careful how I say this.) It is probably at this point not material to BELCO and any savings . . . because we are not talking about a megawatt there. We are talking about much, much less. So when I say it is “not material,” any additional power that BELCO may be getting there probably is not going to make much difference.

But the whole point of doing this power purchase agreement is, as we start to add additional commercial installations, or let us say we do a utility-scale commercial installation, the one that usually gets proposed is down at the finger on the base lands where you may be talking something on the order of 15 to 20 megawatts. Then you need to have a very clear sense of what is a fair rate for the utility to pay for that additional power. So that is why the hurry to try and get this done.

At the current time, we have noted that this is unfair. I think from a BELCO perspective, if you look at their normal capacity of about, let us say, 100 megawatts, this is almost infinitesimal in terms of their overall amount of power that they generate on a daily basis. So at this point, it does not make a big difference to them. It does make a difference to that commercial customer, and it will make a big difference to other commercial customers coming along in terms of being able to make sure the economics of these PV systems work for them. So that is why we are trying to get this done. Thank you.

The Speaker: Thank you, Minister.
MP Lister?

Hon. Terry E. Lister: Yes. Thank you.

Following on with the savings and the benefits at the bottom of page—

The Speaker: Second supplementary, right? Or is this—

Hon. Terry E. Lister: Supplementary, yes.

The Speaker: All right.

Hon. Terry E. Lister: At the bottom of that same page, the Minister says, “In response to the needs of the industry, and recognising that we still need to encourage the adoption of renewable energy technologies, the department continues to do its part to reduce the soft costs of renewable energy.”

What are we referring to here?

Dr. the Hon. E. Grant Gibbons: I think the simple answer, Mr. Speaker, is paperwork, bureaucracy and red tape. And that is why we were talking about the Department of Energy working fairly closely with Planning, who are sort of moving ahead to try and make these installations, particularly ones that are residential, for example, easier to do without a lot of paperwork. Obviously, Planning has to ensure that their statutory requirements are met. But if there is any way that we can speed these things up, one of the issues that we have been talking about is possibly licensing some of these installers so that the Department of Planning knows that they are adequately and properly trained and capable of putting these installations in so that there are no Planning violations or issues of that sort. That may be one way to speed it up as well.

But in the meantime, as you can see from the Statement, there have been a number of ways in which, if it is below a certain square footage or a certain size, then the process is a lot more streamlined. Thank you.

The Speaker: MP Lister?

QUESTION 2: CURRENT ENERGY INITIATIVES 2014

Hon. Terry E. Lister: Thank you, Mr. Speaker.

It was a long time ago, 2007, when we started on this part then. And I think the Minister would agree that we, he and I, were both feeling a little disappointed that it has taken so long to get here. We would really like to have been here much earlier.

In the Statement, reference is made to—

The Speaker: This is your second question, right?

Hon. Terry E. Lister: This is my second question.
Liquidated—liquefied natural gas.

[Laughter and inaudible interjection]

Hon. Terry E. Lister: Yes, LNG. And it is offered up as a middle-term solution.

Again, Minister, can you just throw out for the benefit of the public the short-term solutions and the short-term benefits that the consumer is getting as the industry attempts to reform itself?

The Speaker: Minister?

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

I am not entirely clear what the Honourable Member is asking me there. But I think it would be fair to say that when we talk about liquefied natural gas as an intermediate solution, we are talking about two things. One is, because of the very high capital investment required to both have a dedicated or a chartered LNG carrier to bring the natural gas here, and the fact that it is liquefied and needs to be handled . . . Because we are talking about, I think [it is], negative 160 degrees Centigrade the stuff is stored at. So you need cryogenic facilities to be able to handle it and then regassify it. You need onsite ability to store it, and then be able to transmit it.

So there are a lot of issues that need to be looked at. I think one of the other issues the Honourable Member will be aware of is that the US has been somewhat parsimonious with export licences to non-free trade nations. So, that would be an issue that Bermuda has to face, as well, and one that we are trying to work through at the present time.

But I think what we are looking at is in the next, let us say, two or three years, we may be able to have LNG as a solution here. When we say “intermediate,” we mean that it is still a fossil fuel. It would reduce considerably our carbon footprint, which is one of the issues raised in the White Paper. But I think what we are all hopeful about—and I will probably try and include the Honourable Member and certainly Members of Government in this—is that we can get away from fossil fuels maybe 10 to 15 years down the road.

The White Paper had a target of, I think, some 30 per cent of our generation being alternative energy—that is, not fossil fuel—by 2020. I am not sure. That was certainly aspirational, and I am not sure we will get there. But the idea is that liquefied natural gas or natural gas as a fuel would simply be a bridging fuel between now and when we can have PV, wind, ocean or other alternative sources which do not depend on carbon-based fuels. And that is where we are trying to go here.

So, hopefully, that answers the Honourable Member’s question.

The Speaker: Thank you.
MP Lister?

Hon. Terry E. Lister: Yes. Thank you very much, Mr. Speaker. And I want to thank the Minister. With your permission, I would like to move on.

The Speaker: Yes. Okay. I think you had questions for the Minister of Community, Culture and Sports on his Statement with reference to Community-Driven Development; is that correct?

Hon. Terry E. Lister: Actually, Mr. Speaker, I am going to not ask any questions on that, although I intended to. But on the list, I had asked to be able to ask questions concerning the residential long-term care facility.

The Speaker: The residential long-term care facility, to Minister Jeanne Atherden, yes.

QUESTION 1: RESIDENTIAL LONG-TERM CARE IN BERMUDA

Hon. Terry E. Lister: Mr. Speaker, this is a very important issue. The population of Bermuda continues to age. We are all concerned about where we are going to end up.

The Minister has given us a Statement, and I thank her for it. At the bottom of the first page, though, she mentioned that she would like to take this opportunity to share with us what she found out in the records, the good and the bad.

I did not actually see that. I followed the Statement, so I did not see good and bad at all. Maybe she can tell me about that afterwards.

However, my first question is, How many homes have been found to have serious deficiencies during the past 18 months? These being the rest homes as opposed to the nursing homes.

The Speaker: Minister?

[Pause]

The Speaker: Minister?

Hon. Jeanne J. Atherden: I am checking my notes here.

As it stands right now, and you said to me you were interested in the nursing homes—sorry, the rest homes rather than the nursing homes—

Hon. Terry E. Lister: Maybe I could [give] a clarification, Mr. Speaker.

The Speaker: Yes.
Honourable Member, please take your seat.

Hon. Terry E. Lister: I am not asking about the nursing homes, because my belief is that the nursing homes are all government run, while the rest homes are all privately run. If I am wrong, the Minister can clarify for me. But I am driving really at the privately run institutions.

Hon. Jeanne J. Atherden: You are correct in that the rest homes are privately run. And as it relates to the year which just went by (I am just looking at some notes that I made for myself), there are 17 nursing homes, if you will—17 rest homes. And of those 17, about 7 or 8 of them are totally compliant. Some of the others where there is not a compliancy relate to things as it relates to, like a fire certificate, where they are in the process of getting their fire certificates up to date. There are one or two which have issues with respect to care. But that is by and large the number. Thank you.

The Speaker: Minister.

Hon. Terry E. Lister: Mr. Speaker, I appreciate that response. My concern and the concern of many in the public is to do with the care. The Act itself requires that there be a nurse, a professionally trained nurse, on staff. And other standards are in place. And if you read the Act, I think it is flawless. I think it is a very, very good piece of legislation.

The Speaker: And your question?

Hon. Terry E. Lister: Oh, yes, question.

[Laughter]

Hon. Terry E. Lister: I was just setting the frame.

The Speaker: A big frame.

SUPPLEMENTARIES

Hon. Terry E. Lister: I think everything works, or everything is in place to work.

My question, really, is, Does it work? And so, in these 10 cases of somewhat noncompliance, how often are we finding that the homes really do not have that professional person on the payroll, providing the care that our seniors deserve?

The Speaker: Minister?

Hon. Jeanne J. Atherden: I will give you as much information as I have at my fingertips at the moment. And if I am not able to give you all, then I will come back to you.

I am looking at the information, and I am also looking at the complaints. There have been none that I am seeing right now that does not indicate that the

rest home did not have the required nursing person that has to come through. Because as you can appreciate, they just have to have the person coming at a certain number of visits to be, if you will, compliant with the nursing regulations. And I do not see anything right here that indicates they did not at least have someone that was identified as being that person.

The Speaker: MP Lister?

Hon. Terry E. Lister: Thank you, Mr. Speaker. And thank you for that answer.

Given where we are going population-wise, does the Minister have any plans to encourage further rest homes (i.e., privately run institutions)? Has Government put a programme in place, be it tax benefit, whatever, that will help to increase the number as we need to have the numbers increased?

The Speaker: Yes, Minister?

Hon. Jeanne J. Atherden: Thank you, Member.

At the current time, we are in the stage, the demand, if you will, so that we can understand those type of individuals that we will have to cater to. And that is why, when I talked about this, I made reference to the fact that it is not just about the elderly that we have to cater to, but also we are finding that the long-term care is also being affected by young people who have either debilitating illnesses or accidents. And so we are definitely looking at trying to increase the numbers.

But at the same time, as I have indicated, again, we want to make sure that we get the individuals that can come into it and it be sustainable, because it does not make sense having individuals there who cannot understand the demands and the financial restraints and all the demands that have to be met.

The Speaker: Thank you, Minister.
MP Lister?

Hon. Terry E. Lister: Second question, Mr. Speaker.

The Speaker: Yes.

QUESTION 2: RESIDENTIAL LONG-TERM CARE IN BERMUDA

Hon. Terry E. Lister: Mr. Speaker, I, like many, have been concerned about the dialogue that says that the Extended Care Unit [ECU] at the King Edward Memorial Hospital will no longer exist. I never understand that when I hear it.

The Minister has been kind enough to share with us (in the third [to] the last paragraph) the needs of the young disabled and others. Many people believe that ECU is filled with 90-year-olds, when, in fact, there are a large number of disabled persons. So,

looking at this report which has come today, which I am happy with, I would like the Minister to explain to me how these disabled, some of whom end up there for 20, 30 and 40 years . . . We had a family member who passed away last year who was in his early 50s, who had had a cycle accident at about 18 years of age. So he spent 30-plus years at ECU.

What is the plan? What comfort can you give to Bermuda that, if ECU is closed, the disabled will be properly cared for?

The Speaker: Minister?

Hon. Jeanne J. Atherden: One piece of comfort that I can give to the people of Bermuda is the fact that we are trying to look at this long-term plan that is going to effectively determine when or if ECU should be closed, that we would then have made arrangements that there will be other facilities available for them to go to. And that is why we are looking at the spectrum of the demand so that we can figure out what the supply is going to be.

And I think, most importantly, we recognise that lots of places have what I call assisted living homes and others of that calibre. And that is what we are looking at.

The Speaker: Yes, MP Lister?

Hon. Terry E. Lister: My last question of the day, Mr. Speaker, unless something else comes up—

The Speaker: You are doing a great job. You are doing a great job.

[Laughter]

The Speaker: You are keeping the House active.

QUESTION 3: RESIDENTIAL LONG-TERM CARE IN BERMUDA

Hon. Terry E. Lister: Well, it is a very quiet House today, Mr. Speaker. I really do not know why it is so quiet.

But nonetheless, my last question is, the Minister gave advice in the earlier paragraph telling us what we should be doing in preparation for growing old. The last thing she said is that we should ensure that we maintain our health insurance coverage even when we retire. Two aspects fall out of that. Many companies will not allow people to stay on. And secondly, the health care costs are rising very quickly. I believe the rate for this year is 7 per cent.

What is the Minister's view as to how these costs can be contained? And should we be considering having people remain on through requirements of the company?

The Speaker: Minister?

Hon. Jeanne J. Atherden: I think what I have to say in response to that is the fact that we do recognise some companies, obviously, do allow you to stay on. If you have that opportunity, by and large we are encouraging people to do so.

If you do not, other insurance companies are enabling people to take out plans of their own. I think even in some places—and this is something that might come to fruition in Bermuda. Other countries are actually starting to have where you could start to have plans when you are young, if you will, to start getting insurance in place so that when you are at that magical age you will still have that insurance and you will not have to talk about trying to get it when you get there.

I think with respect to the other side which you talked about with respect to the cost of health care, that is obviously something that we are trying to look at. We are trying to . . . And it relates to what I said earlier about the STEPS. We are trying to make sure that people develop good habits so that they can age . . . And when I said earlier about age, have healthy living and ageing so that you are staying active. That is going to reduce the amount of hospitalisation that you need. And as we go forward, we are trying to say, *Cut off the pipeline, the flow at the beginning, so at the end we are not having to turn around and have so much maintenance.* We can start to have prevention at the beginning.

The Speaker: Thank you.

Thank you, MP Lister. Are you done, sir?

Hon. Terry E. Lister: Yes, Mr. Speaker.

The Speaker: Good, good.

So that brings us to the end of Question Period, and we are just a couple of minutes shy of 12:30. So, Honourable Premier?

Hon. Michael H. Dunkley: Yes, Mr. Speaker. I move that those that are here adjourn for lunch.

The Speaker: Thank you.

The House is now adjourned to 2:00 pm.

Proceedings suspended at 12:29 pm

Proceedings resumed at 2:01 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Speaker: All right. Thank you, Honourable Members.

We are now in Congratulatory and/or Obituary Speeches. Are there any Members that would care to speak?

The Chair will recognise first the Honourable Minister for Economic Development and Education, Dr. Grant Gibbons.

You have the floor.

Dr. the Hon. E. Grant Gibbons: Mr. Speaker, ever so briefly, I wish to ask that congratulations be sent to the Berkeley Institute. They have been re-accredited by the Middle States Association of Colleges and Schools for another series of years until the year 2020. And I would ask that congratulations be sent along to the principal, Dr. Tweed, and also the board as well.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Any other Member care to speak?

There are no Members who care to speak.

MATTERS OF PRIVILEGE

The Speaker: There are none.

PERSONAL EXPLANATIONS

The Speaker: There are none.

NOTICE OF MOTIONS FOR THE ADJOURNMENT OF THE HOUSE ON MATTERS OF URGENT PUBLIC IMPORTANCE

The Speaker: There are none.

INTRODUCTION OF BILLS

The Speaker: There are none.

NOTICES OF MOTIONS

The Speaker: There are none.

ORDERS OF THE DAY

The Speaker: Order No. 1 is carried over, so we are at Order No. 2, which is in the name of the Honourable Premier, the Minister of National Safety.

Premier Michael Dunkley, you have the floor.

BILL

SECOND READING

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

Hon. Michael H. Dunkley: Thank you, Mr. Speaker, and good afternoon.

Mr. Speaker, I move that the Bill entitled the Public Access to Information Amendment Act 2014 be now read the second time and committed.

The Speaker: All right. Thank you, Honourable Premier.

Are there any objections to that?

Mr. Premier, please, carry on.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker and Honourable Members, I am pleased to rise this afternoon to introduce the Public Access to Information Amendment Bill 2014 for its second reading.

It should be noted that even after over two years of the Act being passed in the Legislature, the PLP Government did not proceed with implementing PATI. Thanks to the dedication and work of former Premier Cannonier and the PATI team, in less than two months after I was appointed Premier, we are able to table the legislation that is required to ensure that PATI will be operational by the 1st of April 2015.

Mr. Speaker, Public Access to Information (or PATI) is a hallmark of a modern democracy which has as its primary tenant governance, accountability, and transparency. Indeed, there are over 90 jurisdictions worldwide that have made legislative provision for members of the public to have access to the records and information held by public authorities.

Mr. Speaker, four years ago when the original legislation was tabled in the House, it was said at that time that there were 70 jurisdictions worldwide that had PATI (or freedom of information); now there are 90.

Mr. Speaker, Honourable Members will recall that subsequent to 2003's Throne Speech an extensive research and consultation process was undertaken by the Government, which included a presentation to the Legislature of a discussion paper on PATI in 2005. This presentation was followed in 2009 by the release of the public consultation of a draft Public Access to Information Bill. And in response to that there was in excess of 5,000 submissions received.

Mr. Speaker, the consultation process culminated in the introduction and the successful passage through the Legislature of the Public Access to Information Act 2010, which upon its commencement in 2015 on April 1st, will permit public access to the records of public authorities within statutory parameters.

Mr. Speaker, the purpose of PATI as clearly stated in section 2 of the [2010] Act is to:

"(a) give the public the right to obtain access to information held by public authorities to the greatest extent possible, subject to exceptions that are in the

public interest or for the protection of the rights of others;

“(b) to increase transparency, and eliminate unnecessary secrecy . . .

“(c) to increase the accountability of public authorities;

“(d) to inform the public about the activities and decision making of the public authorities; and

“(e) have more information placed in the public domain.”

Mr. Speaker, the Bill today contains proposed amendments which are intended to clarify and expand upon the provisions in the Act pertaining to the notice periods, penalties, exemptions from disclosure and fees.

In particular, it is proposed to amend the time period for responding to requests and for providing information from 28 days (or four weeks), Mr. Speaker, to six weeks to give public authorities more time to research any requests.

Amendments are also proposed to add the Attorney General’s Chambers and the Department of Internal Audit to the list of public authorities to which the Act does not apply so that records obtained or created by these departments, with the exception of records relating to general administration, cannot be disclosed.

Mr. Speaker, the implementation of PATI will represent a significant departure from the guarded record keeping which may be characteristic of some public authorities. It will lift the veil which shrouds Government records, thereby promoting and encouraging a culture of transparency and accountability.

However, Mr. Speaker, it is important to note—and I wish to emphasise this point—that there is still a substantial body of information that the public already has access to where the release of information is, in some cases, authorised or mandated by existing legislation. Such information includes registers, annual reports, brochures and other information relating to the operation and the functions of the public authority. This information can be obtained without cost or upon payment of a fee prescribed under the Government Fees Regulations 1976.

Mr. Speaker, Honourable Members are reminded that the definition of a public authority includes a statutory body and every entity that is substantially funded by monies authorised by the Legislature. Such entities include the Bermuda College, the Bermuda Hospitals Board, the Bermuda Tourism Authority—Mr. Speaker, to the empty benches across the way—the Bermuda Land Development Corporation and, of course, the West End Development Corporation.

Mr. Speaker, prior to the implementation of PATI, public authorities will be encouraged to continuously make other categories of information available to the public so that access is afforded without the need to make a request under the Act.

Indeed, section 6 of the Act requires public authorities to provide information to the general public at intervals so that requests to obtain information under PATI are really a last resort.

The Bill proposes an amendment to section 6 of the Act to require public authorities to annually inform the public of the types of information they hold. The amendment also clarifies the means by which information must be provided.

Mr. Speaker, the Bill expands upon the provisions pertaining to exemptions from disclosure, in particular, information received in confidence between countries which is contained in Tax Information Exchange Agreements (or what we know as TIEAs) cannot be disclosed. The exemption does not apply to information of a statistical, technical or scientific nature that does not infringe upon the confidentiality agreement between the countries.

This proposed amendment ensures that Bermuda continues to be compliant with the relevant OECD [Organisation for Economic Cooperation and Development] international standards.

The Bill also extends the categories of exemptions under the Act to include records relating to the preparation of legislation, such as drafting instructions, draft bills and draft statutory requirements—instruments.

Mr. Speaker, the principle of legal professional privilege is a fundamental principle of justice which grants protection from disclosing confidential communications between lawyers and their clients for the purpose of giving or of obtaining legal advice. In the case of the Attorney General’s Chambers, communication by Government’s legal advisors to Government departments are privileged information. Likewise communication between the Director of Public Prosecutions, defendants, police and other lawyers is confidential or privileged and disclosure would compromise pending or future legal proceedings.

This Bill before this Honourable Chamber today proposes amendments to sections 35 and 37 of the Act to ensure that records held by the Attorney General or the Director of Public Prosecutions, that are subject to legal professional privilege, are exempt records which cannot be disclosed to the public.

Mr. Speaker, proposed amendments to section 64 of the Act create an offence and impose penalties of fines and imprisonment where public officers act with the intention of preventing disclosure of information by altering, erasing, destroying or concealing records. A person who commits an offence under this section is liable on a summary conviction to a fine of \$10,000 or imprisonment for six months, or to both such fine and imprisonment.

Mr. Speaker, it is important to note that the provision has been made to ensure that proceedings cannot be brought against any person who acted in good faith in exercise of the power or in the perform-

ance of a duty or function of their employment with the public authority.

Mr. Speaker, the proposed amendment to section 65 of the Act preserves the existing provision which creates a general offence of knowingly contravening any provision of the Act or regulations made under this Act and imposes penalty for summary conviction. However, the position is clarified by a new subsection which mirrors the proposed amendment (which I just talked about in [section] 64 of the Act) by ensuring that civil or criminal proceedings cannot be brought under this section where the officer of the public authority acted in good faith.

Mr. Speaker, the Bill also amends the Schedule to the Government Fees Regulations 1976 by inserting a Schedule of Fees to be charged for the production of information. In establishing the fee structure, a comparative analysis of public access schemes in other jurisdictions such as the Cayman Islands, Trinidad, Canada, Jamaica, Ireland, Scotland, and the United Kingdom was undertaken. As a result, a simple fee structure was devised which is aimed at providing access to public records without imposing a financial burden that may have the unwanted effect of discouraging the public from making any such requests.

Modest fees are proposed for photocopies and photographs in Schedule III of the draft regulations. However, there are other fees proposed for the reproduction of a record which reflects the actual cost incurred by the public authority based on hourly rates plus the actual cost of the reproduction medium. Fees are not intended to bar any access. However, where it is determined, after implementation of PATI, that the production cost to the public authorities has increased substantially, an increase of the fees may be considered at that time.

Mr. Speaker, affording the public access to the records of public authorities must and will be managed very carefully. During my recent visit to the Cayman Islands, we discussed their Freedom of Information Act and implementation. And we gained some valuable understanding of the challenges that they have managed since their implementation some time back. We had constructive dialogue, and we will be able to provide some extensive training which includes the establishment of internal procedures to ensure that officers of public authorities who are discharging functions under the Act understand and, of course, adhere to the responsibilities.

I would like to take this opportunity, Mr. Speaker, to thank the Public Service in advance for their support and commitment to this initiative. Further, as we plan for the implementation, the Government also intends to engage the unions in this process where and when necessary.

Mr. Speaker, information will also be provided to members of the public as users of the access regime so that they will be well informed of their rights

and the process by which they will gain the information that can be obtained. It is expected that the public will continue to have questions relating to the process both, of course, before and after implementation. And any such questions will be directed to the appropriate Government departments.

In addition to these initiatives, Mr. Speaker, the infrastructure necessary to support record management will also have to be developed further so that the information held by public authorities can be located and, of course, produced in a timely manner.

As with any new initiative of this magnitude, Mr. Speaker, the implementation of PATI will be continually assessed and monitored and legislation amended as required. This will help to clarify any practical or legal issues. The public will be made and kept aware of any new legislative developments aimed at making the scheme more effective, [since] proposed amendments to the Act or the regulations must be approved by both Houses of the Legislature.

The impact of providing access to the resources of public authorities will also be continuously monitored in order to ensure that while access to information is facilitated, the efficient operation of the public authority is not compromised, Mr. Speaker.

So, in summary, this Government will adopt a fair and balanced approach to PATI which will serve the needs and interests of both users and accessors in order to promote and maintain the necessary accountability and transparency with regard to the acts and functions of all public authorities.

Mr. Speaker, as I close the brief, I would like to take this opportunity to thank [Permanent Secretary Rozy] Azhar and the team for the job they have done over many years to bring this to this point in time. And I would like to commend them for their hard effort and work. And I realise we still have a lot of work to do as we go forward, but I am confident we can manage this process in an appropriate fashion.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Premier.

Are there any other Honourable Members who would care to speak?

The Chair will first recognise the Honourable Member from constituency 33, Sandys South, MP T. E. Lister.

You have the floor.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Mr. Speaker, let me start by saying that I am very pleased to see the progress that is being made. The Act that is being amended here today is a 2010 Act, but now in 2014, again, it seems like the progress is slow. Both sides of the House have called for a quicker pace. When the current Government were in Opposition, they were not pleased with the way the former Government were handling this. Now that the shoe is on the other foot, the same complaints come.

But we are here, we are progressing, and that is very important.

Openness and transparency became the words of use way back in 1998. You may remember in the run-up to the election the leader, now Dame Jennifer Smith, put that on the table. It had not been put on the table in the same way before. And openness and transparency is a lot easier to say than to act out, as we all know. We have all found that. And governments can be a little slow in moving on something like this because of the potential downside—the fact that they do have to defend things.

What openness and transparency does do is dispel rumours, because on a little Island like Bermuda, rumour reigns. And we know that any lie said a hundred times is the truth. We all know that. We have seen examples of it. We see people, [plus] politicians, who seem to feel that that is the way to act. And I have got to tell you, Mr. Speaker, I find it very bothersome. I find it very bothersome that that is how people will conduct themselves.

I have always felt that the best approach is to be as open and honest right away. If you do that, it dispels most things. I can remember when I was Minister of Immigration and Labour, I had Prisons under me and there was a certain young man (now sitting in this House as a Minister) who was responsible for a committee . . . And he is smiling, he remembers that. The committee, without talking to me, released a report that was damning!

Mr. Speaker, I called him up and had him come up to my house that night. I said, *Listen, this is how we are going to handle this thing. Before the Opposition gets going on this, I am making a Ministerial Statement tomorrow morning and then we are going to have a little press conference up at the House and you are going to sit beside me and you are going to enjoy it.* I think he enjoyed it. We put it all out there and we worked it out because that was important. The things that were being said in this report about the prisons and the prisoners were pretty startling.

So we had to make sure that we were all on the same page, and then that we said it to Bermuda. The last thing that I wanted to do (having received that report) was try to denigrate it by attacking the deliverer (who obviously was a quality person if he is now a Minister of Government) so I did not want to spend the time attacking that person. I did not want to spend the time attacking the research. I did not want to say that it had been flawed for this reason or that reason. Let us get to the bottom of it and go forward in a positive way.

Mr. Speaker, we have seen the debate—and it is not really a debate—an argument that has gotten hostile in this House over the past few months over how much the Head of the Bermuda Tourism Authority is paid . . . how much? I smile when I hear it because I remember—me (sorry, myself) and yourself asking how much is the Head of the Hospital being

paid? We were asking. Forget about the OBA! We were asking, and we never got an answer.

[Inaudible interjection]

Hon. Terry E. Lister: Sorry?

[Inaudible interjection]

Hon. Terry E. Lister: Well, you were asking too. But I am . . . the point I am making is, even as Members on the same side we could not get an answer. And then in the end, Mr. Speaker, remember, he was paid off in a secret deal and nobody found out how much. I do not know; you do not know. Nobody found out how much. So this PATI moves us away from this and it is important that we get away from that.

Now, many will remember Dr. Edmond Heatley, our last Commissioner of Education. PATI took him down. PATI took him down because they were disclosing every step of the way in that employment process or that hiring process, and people here in Bermuda just went online and got all the information. You recall me standing in the House holding up his application form and asking the Minister of Education, *Did he really do this?* And everybody giggled and said, *No. Did he really do this?* And everybody giggled and said, *No.* But without PATI that never would have happened and he would still be the Commissioner of Education. He would still be the Commissioner.

So this is the benefit of going down this path. We will be able to trip up those who need to be tripped up. And the people will be the beneficiaries. I would encourage the Minister, the Premier, to move as quickly as he can on the staffing. But he did mention the training. The procedures are key—knowing how to respond to a request from someone asking for something is important—you do not want to say no when the answer is really yes. And you certainly do not want to say yes when the answer is no.

I remember one time a certain [Permanent Secretary] that I had was about to send a release to the press, and I just happened to look at it and he was releasing this information that I had not taken to Cabinet and here it was about to . . . I said, *Hey partner, what's going on here? Hold on and pull that back. I've got to deal with this on a Tuesday, and if you release that right now I am going to have a very uncomfortable time next Tuesday.* And so we sorted it out. So having the procedures right is important.

The Premier did not say this in the same way, but I believe he alluded to education of the public, and I think that is vital. I would like to see the Government take on a campaign of actually encouraging people to come and learn about PATI and learn what their rights and roles and responsibilities are under PATI because ultimately we will get rid of the rumours.

Do you know what the worst political rumour in Bermuda is? Where is the \$800 million?

[Laughter]

Hon. Terry E. Lister: Where is the \$800 million? You know, what \$800 million? The Auditor General does his job and he says, *I can't account for the records to verify these audits and the total amount of money involved is \$800 million.* That is all he said. There is no \$800 million missing, but the rumour is *Where's the \$800 million?* So we want to get rid of that sort of foolishness. I think that the things that politicians do are flawed are enough for the public to deal with without having to get to the rumour mill.

So this will take us to the flaws and faults, and it will also allow people to access things and see how well things are done because we spend too much time really talking about all the things where we fell down, but we do not spend enough time talking about what was done well, what really helped the people of Bermuda, what helped to move us forward. And I would like to think that people will use PATI to review, study and then release articles in the press, write books, all this sort of thing, showing what has happened positively through a period of time.

Mr. Speaker, with those few words, I do support this legislation today and encourage the Premier to continue moving forward.

Thank you.

The Speaker: Thank you very much, Member from constituency 33.

Are there any other Honourable Members who would care to speak?

The Chair will recognise the Honourable and Learned Minister of Tourism and Transport from constituency 31, Shawn Crockwell.

You have the floor.

Hon. Shawn G. Crockwell: Yes, thank you, Mr. Speaker.

Mr. Speaker, I rise just to congratulate the Honourable Premier for bringing this legislation to the House today and making progress on this very important initiative. As he did during his brief, [I would like to] acknowledge the work of the former Premier the Honourable, Mr. Cannonier, who took up the mantle and got the ball rolling, and it would be remiss if we did not also recognise former Premier, Mr. Alex Scott, who also made it a very important issue during his tenure as Premier. And let us not forget the campaign that the *Royal Gazette* did as well over a period of time recognising the importance and the efficacy of doing this.

And this is important for the people of Bermuda. I think the Honourable Member who just took his seat . . . I would disclose that the person he was talking about was myself. What he failed to disclose was (How politely can I say it?) the licking he gave me on the phone call. But after he calmed down, he did say, *Come to my house. We are going to come up*

with a solution. And the solution was, let us be forthright about everything and put it out there. And if he remembers, nothing happened. We put it out there and there was no reply at the time from the Opposition. So he is absolutely right, it's always best to provide the information. And normally when that is done, people are satisfied.

But I wanted to just get to my feet and congratulate the Government, the Premier, for getting this done. Clearly, it has taken some time. And it has taken time because it is not the easiest of initiatives to get going. I remember before there were some concerns about whether or not the archives would be able to deal with the amount of information coming in, whether or not all the records are sufficiently organised to be able to cater to those requests, but the Premier has taken the view that the best way to deal with difficult challenges is to get on with it. If you keep waiting for everything to be just right, you are going to be waiting all the time. So if you get on with it, then you have the initiative and then you have the drive to make sure it gets done.

So, certainly, we are very pleased on this side that we are moving in this direction.

Thank you, Mr. Speaker.

The Speaker: Thank you, Minister.

Any other Honourable Member care to speak?

The Chair will recognise the Honourable Government Whip, MP Cole Simons from—

Mr. N. H. Cole Simons: Thank you, Mr. Speaker.

Mr. Speaker, I too, like my colleague, would like to commend the Minister and the OBA Government for bringing into effect this piece of legislation.

The legislation appeared to be a nettle because it went from Premier Scott to Premier Brown to Premier Cox. Premier Brown said it would be in effect 2012/13. Premier Cox said it would be 2012. We have been in Government 18 months and we are bringing it in effect now—

[Desk thumping]

Mr. N. H. Cole Simons: So I would like to commend this Government on such an important initiative.

I would like to also just ask a couple of questions for the community's edification. Premier Brown, when he was in, said, and I quote, "Premier Brown indicated that he was in favour of—

The Speaker: Where are you quoting from, Honourable Member?

Mr. N. H. Cole Simons: The [Royal Gazette](#) article, 2009, and we are quoting a comment that Dr. Brown said to the House. And so it is in the archives as well.

The Speaker: All right. Carry on.

Mr. N. H. Cole Simons: Premier Brown indicated that he was in favour of retroactivity and that he will “go back to the Sea Venture.” So my question is, Does the legislation that we have in place go back retroactively, and can the Minister share that information with the community?

The other issue, and he touched upon it, [and for which] I want to commend him, [is that] what is crucially important is training throughout the Ministries—training in how to keep the best practice when it comes to archival practices and a code of practice when it comes to digital storage and digital information. So, again, I would like to commend the training programme that we have in place at this time and I hope that, again, best practices will prevail because this is a monumental task. As the Minister said, this will be very difficult, but we have to start somewhere. And training is going to be vital.

Mr. Speaker, at one point former Premier Cox said that she would have an Information Commissioner. I know that we have mentioned the fact that the [Permanent Secretary] is going to be heading this, but my question and I think the community’s question would be, Who is going to lead this initiative? Are we actually going to have an Information Commissioner that will be driving this whole agenda? Because we need a dedicated resource to make it happen, Mr. Speaker.

And again, the [former] Premier Cox said that that person would be appointed in 2010. Did she appoint him? Did the PLP appoint them in 2010? If they did not, that would demonstrate, again, their lack of commitment to getting this done.

Mr. Speaker, those are my only comments, thank you. Again, congratulations to the Minister for bringing this today.

The Speaker: All right. Thank you very much.

Do any other Honourable Members care to speak?

Then we are back to the owner of the motion, and of the Bill, the Honourable Premier. You have the floor.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

I appreciate the support of all honourable colleagues, even the Opposition because I am sure if they did not agree with this Bill they would be in the Chambers today. So their silence shows their overwhelming support for it, so I most appreciate it for that support.

To answer the question from my honourable colleague MP Cole Simons, who just took his seat, records will be available to be reviewed as far back as we go—obviously, 1609. I do not think they kept many records at that time, but people can access information if it is available and we will do everything we can to try to sort them out and get the information.

In regard to the Information Commissioner, when I delivered a statement on PATI a couple of weeks ago in this Honourable Chamber, I made a commitment that in the fall the Commissioner would be appointed. So it has not happened yet but it will happen in the fall as we move forward to the April 1st date.

Mr. Speaker, before we go into Committee let me take this opportunity, again, to let the people of Bermuda know that there is still a tremendous amount of work that has been done. There has been a significant amount of work done behind the scenes to get to this point and, in fact, I would assume that every Government Ministry has started to look at how we would implement it. Just yesterday, when I had communication with the Ministry of National Security, I was presented the dossier from the police on steps they have taken to get ready for PATI. So there is a lot of work that is taking place.

We have started to move this train forward and I am confident that in spite of the enormous challenges there will be and the tax on resources, that we have plenty of time now to pass this legislation today with the regulations and put that process in place to make sure that April 1st we can have a pretty good . . . a seamless transition into the period where people can ask questions.

I think it is also important to mention, Mr. Speaker, that I would assume that on April 1st there will be a crunch of requests for information, and over time that will wane away. When I was in the Cayman [Islands] over the last couple of days, I took the opportunity to speak to the Cabinet Secretary there and get some of the background on what took place since their Freedom of Information Act, and that is exactly what happened.

Interestingly enough, Mr. Speaker, we had a big chuckle, and since there is no media in the Gallery today, I am sure if they are listening on the radio they will hear it anyway, most of the requests now come from the media. And the words of the Cabinet Secretary there was, *It is easier for them to do their work if they just go ask for the information and do not do any investigation.* So I am sure the media is going to have better access to information, and perhaps it will allow them to do their job to a higher level to educate the public as well.

So, Mr. Speaker, while there is obviously a great deal of work that has to be done, I am excited about this opportunity today because I think it brings Bermuda on par with many other jurisdictions around the world. And if we want to talk about transparency and accountability, I think this Government has taken ownership for that because we are here today talking about PATI, and the Opposition is somewhere else.

So, Mr. Speaker, with that I move that we go into Committee.

The Speaker: Thank you.

The Honourable Premier has moved that the Bill be moved to Committee.

Are there any objections to that?

There are none.

I ask that the Deputy Speaker, Mrs. Roberts-Holshouser, please take the Chair [of Committee].

[Pause]

House in Committee at 2:34 pm

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

The Chairman: Members, we are in Committee of the whole [House] for further consideration of the Bill entitled [Public Access to Information Amendment Act 2014](#). I call on the Premier who is responsible for this Bill to proceed.

Premier?

Hon. Michael H. Dunkley: Thank you, Madam Chairman.

Since there are 13 clauses I can, perhaps, move that we go from 1 through 6 first.

The Chairman: Fine.

Hon. Michael H. Dunkley: Thank you.

The Chairman: Please proceed.

Hon. Michael H. Dunkley: Thank you, Madam Chairman.

The Chairman: Are there any objections to going 1 through to 6?

No objections.

[Inaudible interjection]

Hon. Michael H. Dunkley: I am getting a little bit of call from my colleagues, so let's do all 13 of them.

The Chairman: Proceed.

Are there any objections to proceeding 1 through 13?

There are no objections.

Please proceed.

Hon. Michael H. Dunkley: Clause 1 is the standard citation.

Clause 2 amends the principal Act by expanding the period of days, for carrying out a function, from "28 days" to "six weeks."

Clause 3, Madam Chairman, amends section 4(1)(b) of the principal Act thereby adding the Attorney General's Chambers and the Department of Internal Audit to the class to which the principal Act, except in the case of general administration, does not apply. I think it is important to note, Madam Chairman, that this amendment brings the two aforementioned departments in parity with the public authorities listed in the 2010 Act, that is clause 4(1)(b)(vi) the Attorney General's Chambers consistent with section 4(1)(b)(v) the Department of Public Prosecutions and clause 4(1)(b)(vii) the Department of Internal Audit consistent with section 4(1)(b)(i) the Office of the Auditor General.

Clause 4 amends section 6(1) of the principal Act to clarify the means by which a public authority shall notify the public about what information it has in its possession and how to access the information that it holds.

Clause 5 amends the principal Act by inserting section 26A to exempt international tax agreement records from public access, save for those records that are purely statistical, technical or scientific in nature.

Clause 6 amends section 27(1) of the principal Act thereby exempting drafting instructions, draft bills, and draft statutory instruments (including a record of the same) from public access. Madam Chairman, this is in keeping with section 27(1)(b) of the 2010 Act which exempts an official record of any deliberation or a decision of Cabinet. The documents listed in clause 6 are always subject to the deliberation or decision of Cabinet.

Clause 7 amends section 35 of the principal Act to clarify that records held by the Attorney General and the Director of Public Prosecutions, which are the subject of legal professional privilege, shall not be subject to public disclosure of any kind. Section 35 of the Act exempts records that are the subject of legal professional privilege. This amendment makes it clear that such records held by the Attorney General's Chambers and the Department of Public Prosecutions that are subject of any legal professional privilege cannot be disclosed.

Clause 8, Madam Chairman, amends section 37 of the principal Act to clarify that records held by the Attorney General and the Director of Public Prosecutions, which are the subject of legal professional privilege, shall not be subject to public disclosure of any kind. Section 37 of the Act exempts records whose disclosure is prohibited by other legislation. This amendment further clarifies that such records held by the Attorney General's Chambers and the Department of Public Prosecutions that are subject to legal professional privilege cannot be disclosed.

Clause 9 amends section 43 of the principal Act to allow the head of a public authority to provide a response to an applicant, with regard to conducting an

internal interview, to “six weeks” instead of “21 days”. The change in the number of days brings consistency to the Act, wherever a timeframe for a deadline is required the length of “six weeks” applies, Madam Chairman.

Clause 10 repeals and replaces section 64 of the principal Act to clarify that no criminal or civil proceedings shall be brought against any person for anything done, reported or said in good faith in the exercise or purported exercise of a power or in the performance or purported performance of a duty or function of their employment with a public authority. Section 64 makes it an offence to alter or destroy a record with the intention of preventing disclosure under the Act. The amendment, Madam Chairman, retains the offence but prevents a civil or criminal proceeding from being brought where the person acted in good faith in exercise of the purported exercise of the duty or function of their employment with the public authority.

Clause 11 repeals and replaces section 65 of the principal Act of 2010 to clarify that no criminal or civil proceedings shall be brought against any person for anything done, reported or said in good faith in the exercise or purported exercise of a power or in the performance or purported performance of a duty or function of their employment with a public authority. Section 65 of the Act creates a general offence where a person knowingly contravenes any provision of the Act or regulation. As per clause 10, the amendment provides that for the avoidance of doubt where the person acted in good faith no proceedings can be brought against that person.

Clause 12 amends the Schedule to the Government Fee Regulations 1976.

Clause 13 is the commencement provision.

Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any Members that would like to speak to clauses 1 through 13?

Premier, please proceed.

Hon. Michael H. Dunkley: Thank you, Madam Chairman.

I move that the Preamble—

The Chairman: The clauses?

Hon. Michael H. Dunkley: Sorry. I move that clauses 1 [through] 13 be approved and move the Preamble.

The Chairman: It has been moved that clauses 1 [through] 13 be approved.

Are there any objections to that motion?

No objections.

Please proceed.

[Gavel]

[Motion carried: Clauses 1 through 13 passed.]

Hon. Michael H. Dunkley: I move the Bill be reported to the House.

The Chairman: Now we will do the Preamble.

It has been moved that the Preamble be approved.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

Hon. Michael H. Dunkley: I move that the Bill be reported to the House.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that motion?

There are no objections.

Agreed to.

[Gavel]

[Motion carried: The Public Access to Information Amendment Act 2014 was considered by a Committee of the whole House and passed without amendment.]

[Pause]

House resumed at 2:42 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REPORT OF COMMITTEE

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

The Speaker: Thank you, Members.

We have had approval of the Second Reading of the Public Access to Information Amendment Act 2014.

Any objections to that?

There are none. And so I accept the report from the Committee.

We will now move to Order No. 3 which is consideration of the Public Access to Information Regulations 2014 in the name of the Honourable Premier and Minister of Public Safety.

Premier Michael Dunkley, you have the floor.

REGULATIONS

PUBLIC ACCESS TO INFORMATION REGULATIONS 2014

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

I move that consideration be given to the Public Access to Information Regulations 2014 proposed to be made by the Premier under the provisions of section 59 of the Public Access to Information Act 2010.

The Speaker: Thank you, Premier.

Any objections?

Carry on, Premier.

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Mr. Speaker, Honourable Members, further to our initiative to finalise the legislative framework for public access to information, I am pleased to introduce the Public Access to Information Regulations 2014 for consideration.

The draft regulations are made in exercise of the power conferred by section 59 of PATI, the Act, 2010, which permits regulations to be made:

“(a) prescribing fees payable for the provision of access to records under this Act, including the manner of calculating fees, circumstances in which no fee is payable and the maximum fee that may be charged;

“(b) amending the Schedule by the addition, modification or deletion of the name of any public authority or head of a public authority;

“(c) providing for the management and maintenance of records held by public authorities; and

“(d) generally for carrying out the purposes and provisions of this Act.”

Mr. Speaker, the regulations before this House this afternoon are intended to give effect to the principles of PATI by detailing and clarifying the practical aspects of the access regime. In particular, the regulations, which are substantially modelled on the equivalent legislation from other jurisdictions, make provision for:

1. the definition of key terms;
2. the requirements and the process for applications and the timelines within which public authorities must respond to requests and to discharge their functions;
3. the procedure to be adhered to where access is refused on the basis that a request would unreasonably interfere with or disrupt other work;
4. notice provisions where it is intended to give a requestor access to a record that contains personal information of someone other than the requestor;
5. the procedure relating to the notification of decisions to grant access and the right to have decisions reviewed;
6. applications for access to personal information;
7. fees;

8. amending and annotating personal records;
9. the functions of the Information Officer; and
10. requests made on behalf of minors.

Mr. Speaker, I think with [that] overview of the regulations, I have given enough overview for colleagues to understand them, and I am happy to take any questions.

The Speaker: Thank you, Honourable Member.

Any other Honourable Members care to speak? No?

Honourable Member, do you want to look at the clauses?

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

Now that the debate is concluded, I move the draft regulations be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: Are there any objections to that?

There are no objections.

So the Public Access to Information Regulations 2014 have been agreed upon and a message will be sent to the Governor.

[Motion carried: The Public Access to Information Regulations 2014 were considered and approved.]

The Speaker: We move now to Order No. 4 which is consideration of the Government Fees Amendment (No. 3) Regulations in the name of the Minister of Finance.

I recognise the Honourable Minister of Finance, the Deputy Premier Bob Richards.

You have the floor.

REGULATIONS

GOVERNMENT FEES AMENDMENT (NO. 3) REGULATIONS 2014

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, I move that consideration be given to the Government Fees Amendment (No. 3) Regulations 2014 proposed to be made by the Minister of Finance under provisions of section 2 of the Government Fees Act 1965.

The Speaker: Are there any objections to that?

There are none, so please carry on.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

Mr. Speaker, I move that these Regulations entitled the Government Fees Amendment (No. 3) Regulations 2014 be now read a second time.

Mr. Speaker, this is somewhat of a house-keeping business. By way of standing policy the Gov-

ernment reviews the fees on a regular basis to ensure that there is a reasonable cost recovery for the provision of various services offered by a range of Government departments. Accordingly, a biennial review of Government fees is conducted with the last review just occurring in the 2014/15 budget session.

On occasion there is a need to amend fees or add new fees based on justifying situations in between the review period. The Government Fees Amendment (No. 3) Regulations 2014 represents amendments to the following fees:

Head 22—Dogs Act 1978.

Mr. Speaker, clause 2 of the regulations simply amends the fee description for licensing neutered or spayed dogs and intact dogs to indicate that the fee is per year and not per licence. The fee will not change. However, this small amendment allows significant efficiency gains for the Department of Environmental Protection by allowing multi-year licences without revenue losses.

Mr. Speaker, by way of background, there are 8,000 dogs on the register for annual licensing and the ability to license them for a multi-year period significantly reduces the administrative burden. So, for instance, if you have a period where there is a two-year [licence] period, that sort of reduces the burden by half [compared to licensing] every year. The other dog licences, for example, Dog Breeding Licences and Dog Breeding Premises, those fees have not changed.

So that is the whole story, Mr. Speaker, on this particular amendment. I now open the floor for Members' comments.

The Speaker: Thank you, Deputy Premier.

Any other Honourable Members care to speak?

There are no other speakers.

Hon. E. T. (Bob) Richards: Thank you, Mr. Speaker.

The Speaker: Carry on.

Hon. E. T. (Bob) Richards: I now move that the draft Regulations Government Fees Amendment (No. 3) Regulations 2014 be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: All right. Thank you, Minister.

Are there any objections to that?

All those in favour, say Aye.

AYES.

The Speaker: Any Nays?

There are no Nays, so a message will be sent.

[Motion carried: The Government Fees Amendment (No. 3) Regulations 2014 were considered and approved.]

The Speaker: We now move to Order No. 5. Order No. 5 is the Nursing Amendment Act 2014 and that is in the name of the Minister of Health, Seniors and the Environment, Minister Jeanne Atherden.

You have the floor.

BILL

SECOND READING

NURSING AMENDMENT ACT 2014

Hon. Jeanne J. Atherden: Mr. Speaker, I move that the Bill entitled the Nursing Amendment Act 2014 be now read the second time and committed.

The Speaker: Yes, are there any objections?

Carry on, Minister.

Hon. Jeanne J. Atherden: Mr. Speaker and Honourable Members of the House, I am pleased to stand before the House today for the Second Reading of the Nursing Amendment Act 2014.

The Nursing Act regulates the practice of nursing through registration and the monitoring of the conduct of practitioners. The purpose of the legislation is to protect the health and safety of the public by ensuring access to quality care in the areas of nursing practice.

The Nursing Rules 2010 prescribe the categories of nurses and information to be provided to the Nursing Council upon application for registration.

Mr. Speaker, in 2010, the Nursing Act and Nursing Rules were significantly amended in line with best practice. However, when the Act was amended the provision for charging fees for registration was removed from both the Act and the Rules. The Ministry has recently been advised by Chambers that this provision needs to be reinstated in the Nursing Act as a matter of housekeeping as the fees are currently listed in the Government Fees Regulations.

Accordingly, the purpose of the Bill before the House today is to reinstate the provision for charging registration fees and related incidentals. In addition, the values of the fees are being increased to be in line with the other health care professions. The proposed fee increases range from \$7.00 to \$50.00. The fee changes were proposed by the Nursing Council and align with the Ministry's harmonisation which includes fees approach.

Mr. Speaker, although the changes are small, the Nursing Amendment Act will ensure high standards of practice that protect both the providers and the patients. I look forward to the support of all of my

honourable colleagues as we consider this amendment.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

Any other Honourable Member care to speak?
Minister?

Hon. Jeanne J. Atherden: I move that the Bill be committed.

The Speaker: All right. Thank you.

Are there any objections to the Bill being committed?

The Chair then asks the Deputy Speaker to please take the Chair [of Committee].

[Pause]

House in Committee at 2:53 pm

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

NURSING AMENDMENT ACT 2014

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Nursing Amendment Act 2014](#).

I call on the Minister in charge to proceed.
Minister, you have the floor.

Hon. Jeanne J. Atherden: Thank you, Madam Chairman.

I move clauses 1, 2, 3, 4, and 5.

The Chairman: It has been moved that clauses 1 through 5 . . . please proceed.

Hon. Jeanne J. Atherden: Clause 1 provides the citation for the Bill.

Clauses 2 and 3 amend sections 5 and 6 of the Act to clarify that persons are to submit the relevant fee when applying for an initial registration certificate or a renewal of a registration certificate.

Clause 4 amends section 6G as a matter of housekeeping by referencing the Government Fees Act 1965 rather than the Government Fees Regulations 1976 and moves the reference to a better location.

Clause 5 makes consequential amendments to the Government Fees Regulations 1976 by repealing and replacing Head [43] with the new registration fees, namely fees by category of nurse and incidental registration fees.

The Chairman: Thank you.

Are there any Members that would like to speak to clauses 1 through 5?

There are no Members.
Minister, please proceed.

Hon. Jeanne J. Atherden: I move the Preamble.

The Chairman: Would you like to move the clauses first?

Hon. Jeanne J. Atherden: Sorry. I move clauses 1, 2, 3, 4 and 5.

The Chairman: It has been moved that clauses 1 [through] 5 be approved.

Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 5 passed.]

Hon. Jeanne J. Atherden: I move the Preamble.

The Chairman: It has been moved that the Preamble be approved.

Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

Hon. Jeanne J. Atherden: I move that the Bill be reported to the House.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

[Motion carried: The Nursing Amendment Act 2014 was considered by a Committee of the whole House and passed without amendment.]

[Pause]

House resumed at 2:56 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REPORT OF COMMITTEE

NURSING AMENDMENT ACT 2014

The Speaker: Thank you, Honourable Members.

The Nursing Amendment Act 2014 has been reported back to the House as approved.

Are there any objections to that?

There are none.

So we move onto Order No. 6 which is the Land Valuation and Tax Amendment Act 2014 in the name of the Minister of Public Works, Minister Patricia Gordon-Pamplin.

You have the floor.

BILL

SECOND READING

LAND VALUATION AND TAX AMENDMENT ACT 2014

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Land Valuation and Tax Amendment Act 2014 be now read the second time and committed.

The Speaker: Any objections to that?
Carry on, Minister.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I rise today to introduce for the Second Reading a Bill entitled the Land Valuation and Tax Amendment Act 2014.

Mr. Speaker, the main objective for the introduction of the Bill is to amend the Land Valuation and Tax Act 1967, hereinafter called "the Act," and make consequential amendments to:

- (1) remove the fee payable by an objector to the hearing of an objection before the Land Valuation Appeal Tribunal from the Land Valuation and Tax (Objections and Appeals) Rules 1967 (the Rules);
- (2) to include this fee in the Government Fees Regulations 1967 (the regulations) and thus be subjected to the biennial upgrades; and
- (3) to increase the fee to an appeal to an appropriate and realistic level.

Mr. Speaker, the effect of introducing the Bill will be such that the fee, with respect to the hearing of an objection by the tribunal, may be prescribed by the Minister of Finance under the Government Fees Act 1965. The fee payable by an objector was last increased some 25 years ago in 1989 and has remained at this level ever since. This has resulted in the loss of revenue to Government as the fee has not been increased despite the escalation in the number of objection hearings before the tribunal and the resources appropriated by the Land Valuation Department in preparing for these hearings.

The consequence of the fee not being included in the regulations is that it has not been subjected to biennial upgrades and, thus, is not on par or equitable with other Government appeal fees. This Bill seeks to correct this inconsistency.

Mr. Speaker, unlike many other Government objection and appeal fees which are due when the appeal is made, this is not the case with this particular fee. Each and every taxpayer has a statutory right to challenge a proposed amendment to the valuation list. This Bill does not expunge or remove this privilege, and the staff of the Land Valuation Department work expeditiously to resolve each objection received.

The intent of the Bill regarding the increase in the fee is such that it will not deter or even prevent a taxpayer from lodging an objection to a proposed amendment to the valuation list.

Mr. Speaker, if an objection to a proposed amendment cannot be settled with the Land Valuation Department following exhaustive efforts, the objector can request a hearing of the objection before the tribunal. It is only at this stage that the objection hearing fee is payable by the objector.

The rules safeguard the rights of the objector in that there is no fee to pay to lodge an objection with the Land Valuation Department. The fee is only payable if the objection is to be heard by the tribunal and not before.

With those introductory remarks, Mr. Speaker, I now move that the Bill entitled Land Valuation and Tax Amendment Act 2014 be read a second time.

The Speaker: All right. Thank you, Minister.

Are there any other Members who would care to speak?

The Chair recognises the Member from constituency 33, Sandys South, MP T. E. Lister.
You have the floor.

Hon. Terry E. Lister: Thank you, Mr. Speaker.

Whilst I am certainly in favour of Government being able to collect as much revenue as possible, especially at a time like this, I am a little bit concerned at the size of the increase. Under clause 5 it indicates that the fee was \$15. Obviously, that is out of date, but to go to \$545 is a bit of an increase.

And so I would like the Minister to be able to tell us what the comparable rates are, things that she was referring to as "other appeals fees." What are these other appeals and what are the rates?

The Land Valuation is increased every 10 years, I believe. If it is not 10, it is 5, but I think it is—

Hon. Patricia J. Gordon-Pamplin: I think it is five.

Hon. Terry E. Lister: Is it five? Every five years.

So in that fifth year there are a number of appeals that get made, and I would like the Minister to

be able to give us an indication of roughly how many such appeals [are made].

But in years two to five, following after the first year, the appeals are fairly low. The appeals will come if someone is buying a house and they have bought it and settled into it, and then they feel the rate is a bit too high and they will inquire why. Someone may have been found to have made an addition that Planning had approved but the information had not gotten across to Land Valuation and so finally there is an adjustment and the rate goes up, and so they will want to appeal that. So those sort of appeals take place in years two to five.

I would like the Minister to give us an indication of how many of those, roughly, exist.

Mr. Speaker, the reason I am asking that question is to get a feel for how big this issue is because if, in fact, the numbers are relatively small, it is not going to make much difference if we go from \$15 to \$500.

On the other hand there is also the aspect of who is actually appealing. Sometimes the appeals are being made by (quote/unquote) "regular old Bermudians" who are just bothered by the increase that they got in the new tax rate. And so to further compound the problem of their new rate, you know, of compounding it by making the fee to appeal it high is a bit much. And because I cannot remember, I will have to ask the Minister to tell me, if the appeal is successful, is the fee refunded?

[Inaudible interjection]

Hon. Terry E. Lister: No? Oh, my gracious. So . . . I get an increase, I really do not like it, I make an appeal, I succeed in my appeal, yesterday it cost me \$15, today it is going to cost me \$545 and . . . it really forces out the lower- and middle-end properties. And that means that if I have a lower- or middle-end property, my annual tax might be under \$500, annually. And so if it goes from, say \$350, all the way up to \$650 and I want to appeal it, I am really appealing the \$300 [increase], but it is going to cost me \$545 to make the appeal even if I win it. And so maybe I do not bother.

And so we need to really look at how these things impact Mr. and Mrs. Smith. I know for those top-end properties where the land tax can go as high as \$170,000 a year, \$545 is nothing in fighting one of those matters. But there is the case of Miss Smith, Miss Brown, who just have a regular old house and they really are struggling to make the payment now.

I think the Minister might be able to enlighten us if she could tell us the amount of land tax that is outstanding and an indication of her guesstimate of how many houses that represents, because that would help to put it into perspective, Mr. Speaker. I do know that it is a considerable sum of money, and so if you are having challenges collecting land tax now and

you raise the [taxes], and you put in the middle an appeal [fee] that is too high a bridge, then the people simply will not appeal and they simply will not pay. And so the thing gets us nothing in the long run.

With that, Mr. Speaker, I will take my seat.

The Speaker: Thank you, Honourable Member.

Any other Honourable Member care to speak?

Would you like to respond, Minister?

Hon. Patricia J. Gordon-Pamplin: Yes, thank you, Mr. Speaker.

Mr. Speaker, I would just like to respond to some of the questions that have been asked and thank the Honourable Member for his participation with the debate.

The first question that he was asking was with respect to fee increases and why such a large increase and with what is that fee comparable.

Mr. Speaker, the current fee of \$15.00 was increased 25 years ago in 1989, as I mentioned in the brief. Prior to that, it was \$2.40, which was the equivalent of £1, you might recall. That fee has not been revised for a quarter of a century and what normally obtained, historically, is that there was just a small . . . a minuscule process in order to have an appeal done and heard.

What is happening now, the rational is, that the proposed fee of \$545 would more aptly reflect the amount of resources that are being exhausted by the department in preparing cases for hearing before the tribunal. Historically, there may have been three or four page submissions by both parties, Mr. Speaker. Today the norm is a minimum of 100-page submission documents, multiple-day hearings due to the increased complexity of objection cases, objectors being represented by lawyers and consequentially the engagement of the Attorney General's Chambers, and also appeals by either or both parties to the Supreme Court and higher. So one can appreciate that the [appeal process] is far more [complex] than it was 20 or 25 years ago.

The tribunal hears on average four to six objections annually and these are typically high-end residential properties where substantial amounts of land tax liability are involved. As substantial amounts of Government revenue is at stake, it is imperative that the department dedicates the resources to adequately prepare for the hearings. Unfavourable decisions due to lack of preparation can have a significant detrimental impact on Government revenue, \$15 currently is really not fair to the process and to be able to effectively ensure that the process is fair.

The Honourable Member wanted to know how this fee of [\$545] compares with other governmental fees. And as an example, Mr. Speaker, this \$545 is in line and on par with other government appeal fees appearing in the regulations. Example: To lodge a notice of appeal under section 57 of the Development

and Planning Act, under Head 21(12), it currently costs \$140 up front when the appeal is made. This involves the Planning inspector reviewing multiple written submissions without the benefit of a hearing. However, should one wish an inquiry hearing with the Planning inspector, the upfront fee is \$1,113, and that is made when the appeal is launched.

One could argue, Mr. Speaker, that the proposed \$545 fee with respect to the hearing of an objection before the tribunal is still too low when compared to the \$1,000-plus fee, which is the cost for a Planning appeal tribunal. However, the land valuation appeal tribunal generally does not hear objections on multiple properties in the same sitting. Each objector is given an individual hearing. So that is the kind of the rationale behind the actual fee.

The Member also asked about . . . or let me just underscore the process. Because when one wants to make an appeal under other areas of Government, you make the appeal and with the appeal, you file your appeal fee. With the land valuation what happens is that if somebody has an objection, they can effectively go into the department and it can be resolved with the staff of the department. So there is no fee payable under those circumstances. It is only if they are unable to get satisfaction with the interaction with the staff in the department that they can actually go to the appeals tribunal, and it is only at that point in time that the fee is actually payable. So I do not believe that it is an unfair increase given the complexity and given the amount of work that is required.

The Member also asked the question about the number of appeals that arise and at the moment, after a draft valuation list goes on deposit, which is the quinquennial review, and obviously people have the opportunity to review what is on the list and where their houses fall and whether they agree or disagree with the valuation vis-à-vis, what the neighbour is paying, and the like, there are higher numbers of appeals at that point in time. But under normal circumstances, there is an average of 25 appeals annually but only four to six on an annual basis, on average, that actually go before the tribunal. So the majority of unhappy people get their resolution before the situation actually has to go to the appeals tribunal.

The amount of outstanding tax and the number of houses to which that relates—actually that issue is something that comes under the remit of the Tax Commissioner and it is not something for which I have the answer at the moment. But I can certainly try to obtain that information and get that information to you.

I believe that that covers the questions that the Honourable Member had. I do not think there was anything that I have missed out.

So with that, Mr. Speaker, I move that the Bill be committed.

The Speaker: All right. Thank you.

The Minister has moved that the Bill be committed.

Are there any objections?

There are none, so I ask that the Deputy Speaker please take the Chair [of Committee].

[Pause]

House in Committee at 3:12 pm

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

LAND VALUATION AND TAX AMENDMENT ACT 2014

The Chairman: Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Land Valuation and Tax Amendment Act 2014](#).

I call on the Minister in charge to proceed. Minister?

Hon. Patricia J. Gordon-Pamplin: Thank you, Madam Chairman.

Madam Chairman, I would like to move clauses 1 through 6. There are simply six . . . there are six clauses to the Bill and I would like to move all six clauses.

The Chairman: Are there any objections to moving clauses 1 through 6?

There are no objections, Minister.

Hon. Patricia J. Gordon-Pamplin: Thank you, Madam Chairman.

Madam Chairman, clause 1 of the Bill is the standard citation. It sets out the principal purpose of the Act which is to amend the Land Valuation and Tax Act 1967 (the "principal Act"). The Act may be cited as the Land Valuation and Tax Amendment Act 2014.

Clause 2 amends section 20 of the principal Act to provide for the Minister of Finance to prescribe fees under the Government Fees Act 1965 with respect to the hearing of an objection by the Land Valuation Appeals Tribunal. This fee will now be subject to the biennial upgrades like all other Government fees.

Clause 3 amends the regulation-making power of the Minister responsible for land valuation under section 62 of the principal Act to provide for deposits to be made with respect to the lodging of objections, and for the disposal of such deposits.

Clause 4 amends section 63 of the principal Act to provide for the Chief Justice to prescribe fees only with respect to an appeal to a court. Clause 4 also, as a consequence of the amendment proposed under clause 3, seeks to revoke the power of the

Chief Justice with respect to the making and disposal of deposits. This power will now rest with the Minister responsible for land valuation.

Clause 5 makes an amendment to the rules as a consequence of the amendments proposed under clauses 2 and 4. The reference to the fee payable by an objector on the hearing of an appeal before the tribunal is removed from the rules.

Clause 6 amends the regulations as a consequence of the amendment proposed under clause 2. The fee payable by an objector on the hearing of an objection by the tribunal will be included as Head 34A of the regulations and increased to a level that is equitable and on par with other Government appeal fees.

The Chairman: Thank you.

Are there any other Members that would like to speak to clauses 1 through 6?

There are no other Members.
Minister, please proceed.

Hon. Patricia J. Gordon-Pamplin: Thank you, Madam Chairman.

Madam Chairman, I move clauses 1 through 6.

The Chairman: It has been moved that clauses 1 through 6 be approved.

Are there any objections to that motion?
There are no objections.
Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 6 passed.]

Hon. Patricia J. Gordon-Pamplin: I move the Preamble.

The Chairman: It has been moved that the Preamble be approved.

Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

Hon. Patricia J. Gordon-Pamplin: I move that the Bill be reported to the House.

The Chairman: It has been moved that the Bill be reported as printed to the House.

Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

[Motion carried: The Land Valuation and Tax Amendment Act 2014 was considered by a Committee of the whole House and passed without amendment.]

[Pause]

House resumed at 3:16 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REPORT OF COMMITTEE

LAND VALUATION AND TAX AMENDMENT ACT 2014

The Speaker: Honourable Members, the Land Valuation and Tax Amendment Act 2014 has been reported as passed.

Are there any objections to that?

There are none, so we will move now to Order No. 7, the Development and Planning Amendment Act 2014 in the name of the Junior Minister of Home Affairs, Sylvan Richards.

You have the floor.

BILL

SECOND READING

DEVELOPMENT AND PLANNING AMENDMENT ACT 2014

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Bill entitled the Development and Planning Amendment Act 2014, which has been recommended by the Governor, be now read the second time and committed.

The Speaker: All right. Thank you.

Are there any objections to that?
Carry on, Minister.

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker and Honourable Members of the House, I am pleased to introduce the Bill entitled the Development and Planning Amendment Act 2014. This Bill seeks to amend the Development and Planning Act 1974 to enable the Development Applications Board to delegate its power to grant Planning permission to the Director of Planning.

Mr. Speaker, you may recall last year as part of an overall review of the Department of Planning's application processing systems, an initiative was introduced pertaining to forthcoming amendments to the Development and Planning Act to enable this delegation of powers. The Department of Planning has made

good progress in improving its review and processing of applications for Planning permission and building permit approval.

This amendment Act provides an additional tool that can be used to speed up the commencement of construction projects. The Development Applications Board will, with the approval of the Minister, set out the conditions and restrictions under which the director may exercise the powers. Under the amended Act the delegation shall be made by instrument in writing that is published in the official *Gazette*.

Mr. Speaker, the aim is to provide a quicker avenue to approval for the more straightforward applications such as those seeking a renewal of permission, revisions to existing permissions, and schemes which are compliant with the development plan of the day. For those aggrieved by a decision of the director, the amendment Act provides for the ability to appeal that decision to the board.

Finally, Mr. Speaker, the opportunity is being taken to harmonise existing provisions within the Act that address the delegation of powers to the municipalities so that they align with the new delegation being proposed now in respect of the Director of Planning.

Thank you, Mr. Speaker. I now invite honourable colleagues to participate.

The Speaker: All right. Thank you, Honourable Member.

Are there any other Members who would care to speak?

It does not look like there are any other Members who would care to speak, so if you can just . . .

Mr. Sylvan D. Richards, Jr.: Yes, Mr. Speaker. I move that the Bill be committed.

The Speaker: Right. Are there any objections to the Bill being committed?

There are none, so I ask that the Deputy Speaker take the Chair [of Committee].

[Pause]

House in Committee at 3:20 pm

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

DEVELOPMENT AND PLANNING AMENDMENT ACT 2014

The Chairman: Honourable Members, we are in Committee of the whole [House] for further discussion on the Bill entitled [Development and Planning Amendment Act 2014](#).

I call on the Junior Minister to proceed.

Please proceed.

Mr. Sylvan D. Richards, Jr.: Thank you, Madam Chairman.

I will now move clauses 1 through 10.

The Chairman: It has been moved that clauses 1 through 10 . . . are there any objections to that motion?

No objections.

Minister, please proceed.

Mr. Sylvan D. Richards, Jr.: Thank you, Madam Chairman.

Clause 1 is self-explanatory.

Clause 2 amends section 5 of the Development and Planning Act 1974 to harmonise its provisions which concern a delegation to the municipalities with those proposed now for a delegation to the Director of Planning by specifying the Board's delegation is to be done with the approval of the Minister, the instrument used shall be a written instrument, and the Board is to be notified of the decisions made.

Clause 3 inserts a new section 5A into the principal Act to enable the Board, with the approval of the Minister, to make an instrument under which its powers to grant or refuse planning permission are delegated to the Director in certain cases. It provides for the Board to determine in the instrument what restrictions or conditions will apply to the delegation. The clause provides also that the instrument shall be published in the *Gazette* as a statutory instrument, but is not subject to parliamentary scrutiny. Where the Board decides it shall deal with an application, instead of the Director, it may give written directions to this effect to the Director. The Director shall within 14 days notify the Board of all decisions she makes.

Clause 4 amends section 17 of the principal Act by making amendments which substitute the references to regulations with references to rules or regulations.

Clause 5 amends section 18(3) of the principal Act by inserting a new paragraph (c), which makes it a condition that Planning permission granted by the Director is suspended during the period that an appeal may be made to the Board. And the permission remains suspended until the appeal is determined or abandoned. The same provision applies to permissions granted by municipalities if Board functions were to be delegated to the municipalities.

Clause 6 amends the heading of section 58 of the principal Act to make it clear that the section deals with appeals to the Board from decisions of a Municipality (if functions were to be delegated to that Municipality).

Clause 7 inserts section 58A into the principal Act. This new section deals with appeals to the Board from decisions made by the Director. Any person who is aggrieved by a decision of the Director has 28 days

within which to appeal to the Board. The Board is not required to deal with the appeal if it is of the opinion the Director could not have granted planning permission or could not have granted planning permission without the conditions attached to the decision. The Board may allow or dismiss the appeal or vary any part of the Director's decision and may deal with it as if application had been made to it in the first instance. If within 28 days of receipt of an application the Director fails to notify the applicant of his decision on the application or fails to notify the applicant that he has referred the application to the Board, then the applicants may appeal to the Board as if the Director had refused the application. The provisions of this new section mirror those in place already for appeals to the Board resulting from decisions of a Municipality.

Clause 8 amends section 76(4) of the principal Act by deleting the reference "or a Municipality acting under this Act." The reference is confusing and unnecessary.

Clause 9 amends paragraph (e) of section 78(1) of the principal Act by deleting the reference to "or Municipality." The reference is confusing and unnecessary.

Clause 10 makes minor editorial amendments to other legislation to rename the "certificate of use and occupancy" to the "certificate of completion and occupancy".

Thank you, Madam Chairman.

The Chairman: Thank you.

Are there any Members that would like to speak to clauses 1 through 10?

There are no Members.

Junior Minister, please proceed.

Mr. Sylvan D. Richards, Jr.: Yes, thank you, Madam Chairman.

I move the Preamble.

The Chairman: It has been moved that the—

Mr. Sylvan D. Richards, Jr.: I move the clauses 1 through 10.

The Chairman: —clauses 1 through 10 be approved.

Mr. Sylvan D. Richards, Jr.: Yes.

The Chairman: Are there any objections to that motion?

There are no objections.

Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 10 passed.]

The Chairman: Please proceed.

Mr. Sylvan D. Richards, Jr.: Okay. Madam Chairman, I move the Preamble.

The Chairman: It has been moved that the Preamble be approved.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

Mr. Sylvan D. Richards, Jr.: Thank you, Madam Chairman.

I move that the Bill be reported to the House.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Are there any objections to that motion?

No objections.

Agreed to.

[Gavel]

[Motion carried: The Development and Planning Amendment Act 2014 was considered by a Committee of the whole House and passed without amendment.]

[Pause]

House resumed at 3:25 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REPORT OF COMMITTEE

DEVELOPMENT AND PLANNING AMENDMENT ACT 2014

The Speaker: All right. The Development and Planning Amendment Act 2014 in the name of the Junior Minister of Home Affairs has been reported back to the House as approved.

Are there any objections?

There are none, so we move on to Order No. 8 which is the Bermuda National Library Amendment Act 2014 in the name of the Minister of Community, Culture [and Sports].

Minister Wayne Scott, you have the floor.

BILL

SECOND READING

BERMUDA NATIONAL LIBRARY AMENDMENT ACT 2014

Hon. R. Wayne Scott: Thank you, Mr. Speaker.

I move that the Bill entitled the Bermuda National Library Amendment Act 2014 now be read the second time and committed.

The Speaker: Are there any objections?

Please, carry on, Minister.

Hon. R. Wayne Scott: Thank you, Mr. Speaker.

Mr. Speaker, Government in its November 2013 Speech from the Throne stated that amendments to the Bermuda National Library Act 1946 would be introduced. These amendments are administrative in nature and are intended to clarify certain ambiguities of the Act and also to make consequential amendments to the Bermuda National Library Regulations 1992 in order to align with current practices of the Bermuda National Library and to use terminology consistent across Government departments.

Mr. Speaker, as you are aware, in the past, the Bermuda National Library's portfolio has come under several different Ministries and names of Ministries and titles of Ministers have changed numerous times over the years. To keep the regulations consistent with the Act, the Minister will now be known as the "Minister responsible for Libraries."

Mr. Speaker, the Bermuda National Library is under the general control and management of the Minister. Accordingly, references to the Governor should be substituted with "the Minister" throughout the Act. For example, it is appropriate that the Minister should have the responsibility for appointing members of the Bermuda National Library Committee instead of the Governor.

Mr. Speaker, the body referred to as the Bermuda National Library Trustees no longer exists and should be removed from the Act along with the reference to the Trustees Act 1975. The function designated to the trustees to receive gifts is now performed by the Minister responsible for Libraries who is required to consult with the Bermuda National Library Committee with regard to how funds or gifts given or bequeathed to the Bermuda National Library are to be used to further the purposes of the Library.

Mr. Speaker, the scope of the regulations to be made under the Act address the general management and preservation of the Bermuda National Library for the benefit of its employees and volunteers, the general public, and visitors alike. Such regulations should not require legislative debate and it is proposed to allow regulations to be made under the negative resolution procedure instead of the current affirmative resolution process.

Mr. Speaker, to reflect the current structure of the Bermuda National Library within the regulations, amendments must be made to address that there are no longer Library branches in the Parishes of Sandys and St. George's. These branches, of course, have been closed since the 31 December 1992.

Mr. Speaker, to keep in line with the Bermuda National Library's current policy and practice it is proposed that the regulations be amended to establish the age of membership—18 years of age—as opposed to 16 years. This change in regulations does not prevent children between the ages of 14 to 17 years from becoming members of the Adult Library as they can still apply for membership by having a parent or legal guardian sign their Bermuda National Library membership application form.

Mr. Speaker, the constant change in types of electronic equipment has prompted the proposal to use more generic wording in the legislation such as "rental of software" and "electronic materials and equipment" rather than rental or audio visual software, video cassettes, compact discs, and other items.

Mr. Speaker, I look forward to having the changes embodied in the Bermuda National Library Amendment Act 2014 approved by this Honourable House in order that the Department of Libraries can be more aligned with the structure of our other Government departments, and in order that the Bermuda National Library has a legislative framework that is consistent with its practices for the betterment of serving the community and our visitors alike.

And, Mr. Speaker, with that I would invite other Members to participate.

The Speaker: Thank you, Honourable Minister.

Are there any other Members who would care to speak to this amendment Act?

Minister?

Hon. R. Wayne Scott: Thank you, Mr. Speaker.

I move that the Bill be committed.

The Speaker: Are there any objections to the Bill being committed?

There are no objections.

Deputy Speaker, please take the Chair [of Committee].

[Pause]

House in Committee at 3:32 pm

[Mrs. Suzann Roberts-Holshouser, Chairman]

COMMITTEE ON BILL

BERMUDA NATIONAL LIBRARY AMENDMENT ACT 2014

The Chairman: Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled Bermuda National Library Amendment Act 2014.

I call on the Minister in charge to proceed.

Minister, you have the floor.

Hon. R. Wayne Scott: Thank you, Madam Chairman. I would like to move clauses 1 through 7.

The Chairman: It has been moved that clauses 1 through 7 be moved.

Are there any objections?

There are no objections.

Please proceed.

Hon. R. Wayne Scott: Thank you.

Clause 1 is a standard citation and confers the title on this Bill is the Bermuda National Library Amendment Act 2014.

Clause 2 amends section 1 of the principal Act by deleting the definition of "Head Librarian" and inserting a new definition "Director of Libraries" throughout the Act which is consistent with the titles of other heads of departments throughout the Civil Service who are known as director. Also a definition of "Corporation" is inserted in the Bermuda National Library Adult and Youth locations located within the City of Hamilton which the Corporation of Hamilton is responsible for administering.

Clause 3 amends section 3 of the Act by amending subsections (1) to (3) to give the Minister the functions and/or powers that were afforded to the Governor by deleting "Governor" in all instances as it appears in subsections (1) to (3) and replacing it with "Minister."

Clause 3 also inserts a new subsection (3A) that sets out the functions of the Bermuda National Library Committee to advise the Minister of the Bermuda National Library [of] matters concerning promotion and expansion; capacity to acquire documents and other material to be held as part of the Library collection; [the] state of the Library including its premises and collections; management, control and preservation of premises; and policies related to the temporary loan or use of or access to documents and other library materials maintained for purposes of public enjoyment and research.

Clause 4 amends section 5(2) of the Act by deleting "Head Librarian of the Bermuda National Library" and replacing it with "Director of Libraries" and deletes "Governor" and substitutes "Minister" for reasons previously mentioned.

Clause 5, the regulations that may be made by the Minister under section 6(1) do not require legislative debate, therefore, clause 5 amends section 6(3) to reflect this by deleting "affirmative" and replacing it with "negative."

Clause 6 amends section 7(1) by deleting the reference to "the Bermuda National Library Trustees" since that body no longer exists. Section 7(2) is amended by deleting the Trustees Act 1975 as reference to this legislation is no longer required since the body known as the Bermuda National Library Trustees no longer exists and its functions are now carried out by the Minister. For consistency with current prac-

tices throughout the Civil Service, section 7(2)(a) removes "Governor" and substitutes the "Minister of Finance" to give the Minister responsible for Libraries the authority to approve investments of liquid funds.

In sections 7(2)(a), (b), and (c) the "Minister may" has been deleted as the Trustees Act 1975 no longer has to be considered as the Bermuda National Library Trustees' functions are now held by the Minister.

And clause 7 provides a Schedule which makes minor and consequential amendments to the Legal Deposit Act 2008 and to the Bermuda National Library Regulations 1992 as follows.

The Legal Deposit Act 2008 is amended in section 2 of that Act by deleting the definition of "the Head Librarian" and inserting a new definition for the "Director of Libraries." And it also amended by deleting the words "Head Librarian" and substituting "Director of Libraries" wherever it occurs in sections 3(2) and (5), 4(1) and (2), and 5(1) and 10(1)(e).

The Bermuda National Library Regulations 1992 are amended in the preamble by replacing "Minister of Community and Cultural Affairs" by "Minister responsible for Libraries."

Regulations 3(1) and 4(2) and 4(3) of the Bermuda National Library Regulations 1992 are also amended by establishing 18 years of age as the age of membership for the Bermuda National Library as opposed to 16 years of age. Current Library policy is that children between the ages of 14 and 17 years may have membership at the Adult Library but only with the signature of a parent or legal guardian.

Regulation 8(f) of the Bermuda National Library Regulations 1992 is revoked and substituted with the "(f) rental of software and electronic materials and equipment."

The Bermuda National Library Regulations 1992 are further amended by deleting the words "Head Librarian" wherever they appear in regulation 6(2); the head note to regulation 10 and regulation 10(1); and regulation 11 and replacing them with the "Director of Libraries."

And also, Madam Chairman, I would like to put an amendment down for an error that we have noticed, if there is any objection to that.

The Chairman: Would you like to read the amendment, please?

AMENDMENT TO SCHEDULE

Hon. R. Wayne Scott: Yes. That the Bill be amended in the Schedule in paragraph 2(e)(i) by deleting "6(2)" and substituting "6(3)."

The Chairman: Thank you.

The amendment that we have before us is that the Bill be amended, and this is just the Schedule,

in paragraph 2(e)(i) by deleting "6(2)" and substituting "6(3)."

Are there any objections to that amendment?
No objections, Minister.

[Motion carried: Amendment to Schedule passed.]

Hon. R. Wayne Scott: Thank you, Madam Chairman.
With that said, I give anyone [an opportunity] if they would like to speak to the clauses before I move it.

The Chairman: Are there any Members that would like to speak to clauses 1 through 7?

There are no Members.
Minister.

Hon. R. Wayne Scott: Thank you, Madam Chairman.
I would like to move clauses 1 through 7 as well as the amendment.

The Chairman: We will just move the clauses first.
It has been moved that clauses 1 through 7 be approved.
Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

[Motion carried: Clauses 1 through 7 passed.]

Hon. R. Wayne Scott: I would like to move the amendment.

The Chairman: Now we can move the Schedule with the amendment.

Hon. R. Wayne Scott: Yes.

The Chairman: It has been moved that the Schedule with the amendment be approved.
Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

[Motion carried: The Schedule, as amended, passed.]

Hon. R. Wayne Scott: Thank you.
I move the Preamble.

The Chairman: It has been moved that the Preamble be approved.
Are there any objections to that motion?
No objections.
Agreed to.

[Gavel]

Hon. R. Wayne Scott: I move that the Bill be reported to the House as printed with the amendment.

The Chairman: It has been moved that the Bill be reported to the House with amendment.

Are there any objections to that motion?
There are no objections.
Agreed to.

[Gavel]

[Motion carried: The Bermuda National Library Amendment Act 2014 was considered by a Committee of the whole House and passed, with one amendment to the Schedule.]

[Pause]

House resumed at 3:41 pm

[Hon. K. H. Randolph Horton, Speaker, in the Chair]

REPORT OF COMMITTEE

BERMUDA NATIONAL LIBRARY AMENDMENT ACT 2014

The Speaker: Thank you, Honourable Members.
The Bermuda National Library Amendment Act 2014 has been reported back approved with amendment to the Schedule.
All those in favour, say Aye.

AYES.

The Speaker: And so we will now move to Order No. 9. Order No. 9 is consideration of the Lease between the Bermuda Land Development Company Limited and the Bermuda Housing Trust in the name of the Minister of Public Works.

Minister of Public Works, you have the floor.

LEASE AGREEMENT

LEASE BETWEEN THE BERMUDA LAND DEVELOPMENT COMPANY LIMITED AND THE BERMUDA HOUSING TRUST

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I move that consideration be given to the sublease between Bermuda Land Development Company Limited and the Bermuda Housing Trust by virtue under the laws of Bermuda as it pertains to the Base Lands Development Act 1996 and the Bermuda Housing Trust Act 1965.

The Speaker: Thank you, Minister.
Are there any objections to that?
Minister, please carry on.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, pursuant to provisions of section 9 of the Base Lands Development Act 1996 (the Act), as amended by section 2 of the Base Lands Development Act 2006, I rise seeking the approval of this Honourable House for the granting of a 90-year lease between Bermuda Land Development Company Limited (BLDC) and the Bermuda Housing Trust (BHT).

Mr. Speaker, this lease is in respect of some 3.62 acres of land adjoining the Rockaway Ferry stop in Southampton on which now stands the seniors' housing development on the site now known as Dr. Cann Park.

Mr. Speaker, Honourable Members will be aware that section 9(4) of the Act, as amended, requires that the Minister receive approval of Cabinet for the conveyance of any land held by the BLDC for a period of more than 21 years and up to 120 years and that such conveyance must also receive the approval of the Legislature.

Mr. Speaker, the BHT is requesting a substantial lease of 90 years at a rent of \$90 for the entire period payable on the execution of the lease. As the Minister responsible for the BLDC, I am obligated under the aforementioned Act to obtain the prior approval of Cabinet and the Legislature. Cabinet has given its approval for the new lease as required, and I now seek the necessary approval of the Legislature.

Mr. Speaker, by way of background, the BHT was established by the Bermuda Housing Trust Act 1965. The Act specifies that the purpose of the Trust is to initiate and administer one or more schemes for the relief of poverty, suffering and misfortune among elderly persons in Bermuda by the provision of accommodation for such persons on favourable terms. The BHT develops and provides apartments for seniors who do not require assisted living.

Mr. Speaker, the development of the seniors housing at Dr. Cann Park clearly falls within the mandate of the BHT. Construction of the housing began in April 2006 and was completed by the end of 2007. The 100-unit complex was developed by the BHT and provides affordable apartments for seniors.

Mr. Speaker, both the BLDC and the BHT entered into a lease in good faith for 99 years from 2006 for the site so that it could be developed as seniors housing. Whilst Cabinet approval was achieved for the lease, it was never forwarded to the Legislature for approval as required by section 9(3) as amended of the Base Lands Development Act 1996. This was apparently an oversight of the Ministry at the time and through no fault of either the BHT or the BLDC. The unfortunate consequence of this is that the lease that

they entered into was therefore void as it did not have the preapproval of the Legislature.

In order to rectify this situation, the Ministry is bringing a new lease to the Legislature for approval to give the BHT security over the development that they have already done on the site and to ensure that the seniors' development is a success, and to provide such lease for the remainder of the period intended by the original lease.

Mr. Speaker, in the capacity as being the clean-up woman for something that was not done well before, in these circumstances, I seek Honourable Members' support for the granting to the Bermuda Housing Trust of this 90-year lease at a total rent of \$90 for the entire remaining period, equivalent to one dollar per annum.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

Any other Honourable Member care to speak?

The Chair recognises the Honourable Member from constituency 33, MP T. E. Lister, Sandys South.

Hon. Terry E. Lister: Mr. Speaker, I wish to give my support to the clean-up woman.

[Laughter]

Hon. Terry E. Lister: I do not want her left out there on her own.

But, you know, we can give our support 100 per cent. This project actually falls in your constituency and both you and I have been there many times. This is an excellent project.

I want to praise, first of all, the BLDC and the Bermuda Housing Trust for being able to come together back in 2006/07 and get the project going. It has been a success. It allows the seniors there to live in dignity. When you enter into their homes, their homes are beautiful. And because they are older they have possessions that go back, you know, and so you can recall one time we went to see a senior (now deceased) and he shared with us many pictures of sporting events from years and years ago. For me, it was an education to just see what he had in his possession. And so it is a treasure trove of people—just the people themselves.

What I would like to encourage the Government to do is to try and do more of these projects. I know the first thought is, *Well, we don't have any money.* Okay. That is okay. We have to work past that. And the working past that is going to our friends who are now funding the hospital in big ways—we see half million dollar checks and million dollar checks—and I know they do not grow on trees, but those same parties could come forward and assist in similar projects like this.

Also, you and I will recall how pleased we were when the project was named the Dr. Cann Park. Dr. Cann stood in this House many years ago, served brilliantly as a Member of Parliament, he served brilliantly as a doctor. I think he was my family doctor at the time of my birth. Many of us in the western end have fond memories, or were taught about Dr. Cann by our families. And so to have this complex there to honour him and reflect upon what he had done for Bermuda, is something that we can all be proud of.

So I would encourage the Government to work with the private sector, not bully them, but pressure them. The two are a little different. Pressure them to come forward and assist us in this. We are looking at 20 per cent of our population being seniors in a few years' time, and the Honourable Minister, Mrs. Atherden, gave a good presentation this morning warning us of some of the things that can happen. Well, these sorts of projects will help to ease the retirement of our seniors.

I support it 100 per cent and lend all my encouragement and all my support to the Minister.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Honourable Member.

Are there any other Members who care to speak?

Minister, you may close.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I am appreciative for the contribution made by the Honourable Member and for not letting me . . . leaving me hanging.

Mr. Speaker, let me just move, if I may, that this sublease between Bermuda Land Development Company Limited and the Bermuda Housing Trust be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: Thank you, Minister.

It has been moved by the Minister that this lease be approved and a message be sent to the Governor.

Are there any objections to that?

There are none.

So the lease has been approved and a message will be sent to the Governor.

[Motion carried: The Lease between the Bermuda Land Development Company Limited and the Bermuda Housing Trust was considered and approved.]

The Speaker: The Chair will recognise, again, the Minister for Public Works.

LEASE AGREEMENTS

AGREEMENT TO LEASE BETWEEN THE WEST END DEVELOPMENT CORPORATION AND THE SOUTH BASIN DEVELOPMENT LTD.

LEASE AGREEMENT BETWEEN WEST END DEVELOPMENT CORPORATION AND SOUTH BASIN DEVELOPMENT LTD.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, with the House's indulgence, I would like to do items 10 and 11 together which are effectively the Agreement to Lease between the West End Development Corporation and the South Basin Development Ltd. and the Consideration of the Lease itself between the West End Development Corporation and the South Basin Development Ltd. So they are effectively one and the same. One is an agreement for the Lease—

The Speaker: So—

Hon. Patricia J. Gordon-Pamplin: —this is items 10 and 11.

The Speaker: [This is] 10 and 11, yes.

Are there any objections to that?

It is quite all right with me.

There are no objections, so please carry on in that way.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, pursuant to the provisions of section 19(2) and section 20(1) of the West End Development Corporation Act 1982 (the Act), I am seeking the approval of this Honourable House for the agreement to granting of a 120-year lease as well as approval of the lease between West End Development Corporation (WEDCO) and the South Basin Development Ltd.

Mr. Speaker, Honourable Members will be aware that section 8(3) of the Public Lands Act 1984 requires that the Minister responsible for Public Lands receives approval of Cabinet for the conveyance of any Government-owned land for a period of more than 21 years and up to a 120 years and that such conveyance must also receive the approval of the Legislature.

Mr. Speaker, the leases and agreements herein allow for the establishment of a world standard marine facility which will see the rebirth of Dockyard's marine industry as well as providing a consolidated facility for the Department of Marine and Ports.

Mr. Speaker, the process that we are formalising here today was initiated under the former administration and who supported this concept of establishing a world standard marine development within the

Dockyard. The proposed structure of the development remains the same.

I would also like to advise that the Shadow Minister, the Member from constituency 35, attended meetings with our technical officers in order to iron out any concerns that he may have had and to enable the debate of these leases before the House rises for the summer.

Mr. Speaker, it is important to outline the structure and the relationship of the project partners: the West End Development Corporation, South Basin Development Company, and the Government (more specifically) the Department of Marine and Ports.

Mr. Speaker, the South Basin Development Ltd. is a Bermudian company in which WEDCO is the majority shareholder, owning 60 per cent, with the remaining 40 per cent owned by Cross Island Development, also a local company.

Mr. Speaker, Honourable Members will be aware of the ongoing improvements and restorations that WEDCO continues to make advancing its development plan and transforming the former Royal Naval Dockyard North Camber into a vibrant entertainment, commerce, and cruise ship port.

This project will see the creation of a purpose-built marine facility in the South Camber affording the removal of existing light industrial marine works from the North Basin to the new facility, which will reduce some of the current safety and congestion concerns.

In order for these plans to materialise, South Basin Development Ltd. must first be assured that they are in possession of a lease of such duration to justify the expenditure and to be able to realise a reasonable return on their investment.

Mr. Speaker, the new marine facility will enable the servicing of super yachts as well as all large public and private local vessels, which currently cannot be serviced on-Island and have to leave Bermuda and travel some 700 miles in order to receive service. This facility will create many local jobs both in its development and, more importantly, ongoing within the maritime industry. South Basin Development is committed to ensuring locals are qualified and trained.

Mr. Speaker, the Department of Marine and Ports will be an anchor tenant for the new development and the sublet agreement will be discussed shortly. Most importantly the site also affords the ability to hold all vessels, including both ferries and tugs, from the Marine and Ports fleet.

Mr. Speaker, the project plan includes the establishment of a marine training school enabling both local and international students to advance their marine accreditations. For locals, this site will enable on-Island training in the maritime industry affording the possibility of a career within the world's super yacht industry. Additionally, this facility will fill a current void in Bermuda's maritime infrastructure. This facility will enable countless other opportunities for the ongoing expansion of our sports tourism products, such as

fishing, sailing and motor cruising. A major part in the decision process as to whether one should visit Bermuda is the ability to receive service while on-Island. This facility will provide the ability to service vessels that currently cannot be lifted out of the water. The Island's current 70-ton capability will be increased to 600 tons, equating to roughly 200 to 250 foot vessels.

Mr. Speaker, Honourable Members should be aware that the rent scheduled for the lease between WEDCO and South Basin Development is currently not included as the final rent dollar amount cannot be incorporated until the final scope of works and project completion date is known. Once the information is known, the template agreement and lease will be populated and the information will be shared with this Honourable House.

Mr. Speaker, the granting of these leases and approval of the land reclamation, which we will also discuss in a moment, will afford the West End Development Corporation to continue to restore and develop the North Basin as well as use their partnerships to create, finance and construct a world standard marine facility.

Mr. Speaker, in these circumstances, I seek Honourable Members' support for the granting of a 120-year lease with final monetary considerations to be reported to this Honourable House upon final execution.

The Speaker: Thank you, Honourable Member.

Any other Honourable Members that would care to speak?

The Chair will recognise the Honourable Member, Mrs. Susan Jackson, who is from constituency 20, Pembroke South West.

You have the floor.

Mrs. Susan E. Jackson: Good afternoon, Mr. Speaker.

The Speaker: Good afternoon to you.

Mrs. Susan E. Jackson: The Dockyard community is really developing into a reality of a vision that has been set out in a plan, and they are very much on course, and I support the South Basin Development. One, because as I see tourists enjoying the destination, and locals as well, that there are little pockets within the now-developing tourism environment where there are some industrial marine maintenance facilities that are still very active and very much a part of the fabric of what is becoming a very well-developed tourism destination. And so I can see for safety, as well as for visual purposes, that it would be beneficial to move some of those marine and ports and other maritime maintenance facilities to another location nearby.

So that provides an opportunity for the West End Development Corporation to really finalise and

fine-tune Dockyard as a wonderful tourism and local destination for shopping, eating, et cetera.

And the other benefit of the move to the South Basin is also that there . . . we certainly have been—I have been listening to constituents that have oftentimes talking about how wonderful it would be for us to see the development of the marine industry as a third pillar in Bermuda. And this is an opportunity for people in Bermuda to have a space that is purpose-built for marine development and what we might be able to garner out of this opportunity so that we can work to capitalise on this marine industry as the potential for a third pillar.

I do . . . I am aware of the fact that this facility will offer an opportunity for young people in Bermuda, and at any age, to learn the skills, to have an opportunity maybe to apprentice, to be able to put into practice any of the skills that they may obtain from overseas. I do know that we in Bermuda are already in partnerships with some accredited technical institutes overseas that are preparing our young people for skills and trades in piloting and marine maintenance and stewards, et cetera. And hopefully when they come home this will be a fantastic, purpose-built, top-of-the-line technology facility for our people in this industry to practice their trades.

Finally, I would like to say that this is just a wonderful opportunity. And I believe that WEDCO are definitely taking a very responsible and mature and visionary approach to this. Certainly the yachts, larger yachts, as we are hoping will come to the Island (and we are already seeing a sprinkling of them come) will have an opportunity to carry out at least some of the basic maintenance that may be required as they are doing ocean crossings and the like. And possibly, because of this facility, we may be able to keep their attention and keep some of these larger yachts in Bermuda for longer periods of time.

Thanks, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

The Chair will now recognise the Minister for Education and Economic Development, Dr. Grant Gibbons.

You have the floor.

Dr. the Hon. E. Grant Gibbons: Thank you, Mr. Speaker.

I would also like to add my commendation to the Minister for bringing these leases and getting them done quickly, but certainly also to WEDCO and the South Basin Development. In a funny sort of way, Mr. Speaker, these particular leases and this development sort of almost take us back to the 19th and 20th century in the sense that way back in those days Dockyard was a full service facility, in those days for the Royal Navy, because they had dry docks and they had a lot of facilities to be able to service larger ships.

One of the things that we have not been able to do, although as Honourable Members said there certainly has been some traffic, but we have not been able to service some of the super yachts that annually make their way back and forth between the Mediterranean and the Caribbean. Oftentimes these yachts will have to go to the East Coast if they have service issues and things of that sort. But now as the Honourable Minister said, with the possibility of a 600-ton lift that can actually raise a 200- to 250-foot boat out of the water we will be able to provide facilities that we certainly have not before. And my understanding is that some of the East Coast facilities which do indeed specialise in these yachts, are often very busy and I think there will be a great deal of interest in Bermuda now having these facilities. And as Honourable Members have said, now that they are able to stop off here and have a reason for being here we hope that they—the crew and their wealthy owners—will also find the opportunity to spend money in other areas as well.

So the whole issue of jobs, training for Bermudians, and an additional arrow to our tourism quiver is clearly very much there with this upcoming facility.

I would also like to say that it has been of some interest to the America's Cup group that have been here as well because, as we have said before I think in the House and outside, super yachts were very much a part of the 35th America's Cup in San Francisco and the potential to be able to properly service these super yachts, which often come and spend periods of time here, is certainly an added benefit for our potential bid to host the America's Cup in 2017.

So, Mr. Speaker, that is really all I have to say, but certainly I think this is a good step forward and I commend WEDCO and those involved in making this facility possible.

Thank you.

The Speaker: Thank you, Minister.

Are there any other Honourable Members that care to speak?

Minister, you have the floor.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I thank Members for their contributions this afternoon. And in so doing I would also like to extend those thanks to the people over in the Chambers—to the attorneys in the Chambers and the drafts people—also to the WEDCO staff and members of the Ministry, including my Permanent Secretary, because to get something of this complexity done and for it to be able to pass the scrutiny to have every “i” dotted and every “t” crossed and understanding the procedure, obviously, is not the easiest thing to do, and I am not the easiest person to work with because I am pretty pedantic when it comes to certain things.

So as a result, I would just like to thank everybody for their forbearance.

And I would now move that the Agreement to lease and the Lease for West End Development Corporation and South Basin Development Ltd. be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: All right, thank you.

So we are looking at [Order No.] 10—

Hon. Patricia J. Gordon-Pamplin: Ten and eleven.

The Speaker: [Orders Nos.] 10 and 11.

Hon. Patricia J. Gordon-Pamplin: Yes, sir.

The Speaker: The Agreement to lease and the Agreement between West End Development Corporation—

Hon. Patricia J. Gordon-Pamplin: —and the lease. Yes, sir.

The Speaker: —and South Basin, yes.
All those in favour, please, say Aye.

AYES.

The Speaker: Those against, say Nay.
There are no Nays, which means the lease and the agreement have been passed.

[Motion carried: The Agreement to Lease between the West End Development Corporation and the South Basin Development Ltd. and the Lease Agreement between West End Development Corporation and South Basin Development Ltd. were considered and approved.]

The Speaker: We will now move on to Order No. 12, consideration of a Sub-lease Agreement between South Basin Development Ltd. and the Department of Marine and Ports.

LEASE AGREEMENTS

SUB-LEASE AGREEMENT BETWEEN SOUTH BASIN DEVELOPMENT LTD. AND THE DEPARTMENT OF MARINE AND PORTS

AGREEMENT TO SUB-LEASE BETWEEN THE WEST END DEVELOPMENT CORPORATION, THE SOUTH BASIN DEVELOPMENT LTD. AND THE DEPARTMENT OF MARINE AND PORTS

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, again, with the indulgence of the House I would like to move [Orders Nos.] 12 and 13 together because they are ostensibly one and the same.

The Speaker: Yes.

Any objections to that?

Carry on, Minister.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I move that consideration be given to the Agreement for Sub-lease and the Sub-lease between West End Development Corporation, South Basin Development Ltd. and the Department of Marine and Ports.

The Speaker: Yes, thank you.

Are there any objections?

So Minister, please, carry on with this matter.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, pursuant to provisions of section 19(2), section 20(1) of the West End Development Corporation Act 1982, I rise to gain approval of this Honourable House for the agreement to granting of a 30-year sub-let lease as well as the approval of the sub-let lease between West End Development Corporation and South Basin Development Ltd. and the Department of Marine and Ports in order to provide a consolidated facility for the Department of Marine and Ports.

Mr. Speaker, as outlined in the debate just concluded, WEDCO, South Basin Development Ltd. and the Government, more specifically the Department of Marine and Ports, desire to create a purpose-built marine facility in the South Camber affording the removal of existing light industrial marine works from the North Basin to the new facility which will reduce some current safety and congestion concerns.

Mr. Speaker, the Department of Marine and Ports will be an anchor tenant for this new development. The sub-let agreement will be for a period of 30 years. Marine and Ports have been a tenant of the West End Development Corporation since their inception. The new facility though will allow the department to operate more efficiently, having vessels berthed and serviced at one location. Most importantly, the site also affords the ability to hold all Marine and Ports vessels—both their ferries and their tugs.

Mr. Speaker, Honourable Members should be aware that the rent schedules for the sub-lease agreement between South Basin Development, WEDCO and Marine and Ports are currently not included as the final rent dollar amount cannot be incorporated until the final scope of works and project completion dates are known. The rent schedules will, however, follow the existing cost per square foot as

the current lease agreements between WEDCO and the Department of Marine and Ports at the time of the project completion and their relocation.

Mr. Speaker, I reiterate that the development and finance for this project are being completed in their entirety by the South Basin Development Ltd. without any requested concessions or guarantees of the Government. The only commitment by Government is for the 30-year sub-lease which effectively is already in place today with the difference being that it is currently directly between WEDCO and Marine and Ports. This new arrangement includes WEDCO and South Basin and Marine and Ports.

Mr. Speaker, in these circumstances, I seek Honourable Members' support for the granting of the agreement to sub-let and the 30-year sub-lease between WEDCO, South Basin Development and Marine and Ports.

Thank you, Mr. Speaker.

The Speaker: All right. Thank you, Minister.

Any other Member care to speak?

Minister, you want to close?

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Agreement for Sub-lease and the Sub-lease between West End Development Corporation, South Basin Development Ltd. and the Department of Marine and Ports be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: Are there any objections to that?

The sub-lease and the agreement have been approved and a message will be sent.

[Motion carried: The Sub-lease Agreement between South Basin Development Ltd, and the Department of Marine and Ports and the Agreement to Sub-lease between the West End Development Corporation, the South Basin Development Ltd. and the Department of Marine and Ports were considered and approved.]

The Speaker: The Chair recognises, again, the Minister for Public Works for Order No. 14.

LAND RECLAMATION AGREEMENT

LAND RECLAMATION AGREEMENT BETWEEN THE WEST END DEVELOPMENT CORPORATION AND THE GOVERNMENT OF BERMUDA

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I move that consideration be given to the Agreement between the West End Development Corporation and the Government of Bermuda

for the Land Reclamation at the West End Development Corporation property in Dockyard.

The Speaker: Are there any objections to that?

Carry on, please, Minister.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, pursuant to provisions in section 5 of the Land Reclamation Act 1964, I rise seeking the approval of this Honourable House for WEDCO to reclaim up to a maximum of 11.1 acres of seabed within their already vested lands in an area commonly known as the South Basin.

Mr. Speaker, this reclamation, along with the leases and agreements previously discussed, allow for the establishment of a world standard marine facility which will see the rebirth of Dockyard's maritime industry as well as providing a consolidated facility for the Department of Marine and Ports.

Mr. Speaker, Honourable Members will be aware that section 5 of the Land Reclamation Act 1964 requires approval of the Cabinet and Legislature for any seabed reclamation over one acre. As earlier stated, this facility will provide the ability to service vessels that currently cannot be lifted out of the water. The Island's current 70 ton lifting capability will be increased to 600 tons equating to roughly 200- to 250-foot vessels.

Mr. Speaker, the development and finance for this project are being completed in entirety by the South Basin Development Ltd. without any requested concessions or guarantees of the Government. The only commitment by Government being the 30 sub-lease, which is a topic of this debate.

Mr. Speaker, approval of the land reclamation will afford the West End Development Corporation to continue to restore and develop the North Basin as well as use their partnerships to create, finance and construct a world standard marine facility. This marina will be able to service yachts and this is a facility which is sorely needed. Presently when vessels are disabled in the vicinity of Bermuda, they go to the United States for servicing or limp across the ocean to the United Kingdom or to Europe. The intent is that there will be two boat lifts installed and this will conform to WEDCO's hurricane plan for the removal of boats from the water. One of the lifts is a negative lift. There is intended to be a three-acre yard to accommodate boats in a stacked fashion.

Mr. Speaker, the land reclamation required an Environmental Impact Assessment which has been completed and which revealed the presence of turtle grass but thus far only four turtles have been identified as living in the area and so a tagging programme will be undertaken to track the relocated turtles. This programme will be able to provide data on the effect of the development on the turtles, which information is not presently available.

Reclamation of this magnitude will require significant yardage of fill and although there is some rubble stockpiled, there is not nearly enough to complete this project, which has an approximate 18-month time frame. Options for obtaining additional rubble have been explored. We must also bear in mind that all of the plans heretofore discussed will be required to go before the Planning Department and further public consultation and disclosure will be undertaken as part of that process.

Mr. Speaker, in these circumstances, I seek the Honourable Members' support for the approval to reclaim up to a maximum of 11.1 acres as outlined in the Land Reclamation Agreement between the Bermuda Government and WEDCO.

The Speaker: Thank you, Minister.

Any other Member care to speak?
Minister, please carry on.

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I move that the Agreement for Land Reclamation between WEDCO and the Government of Bermuda be approved and that a message be sent from this Honourable House to His Excellency the Governor.

The Speaker: All right, thank you.

Are there any objections to that?

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

The Speaker: The matter has been approved and a message will be sent.

[Motion carried: The Land Reclamation Agreement Between the West End Development Corporation and the Government of Bermuda was considered and approved.]

The Speaker: Just before we move on to the next matter, I will recognise the Honourable Member Cole Simons.

You have the floor.

SUSPENSION OF STANDING ORDER 14

Mr. N. H. Cole Simons: Thank you, Mr. Speaker.

Mr. Speaker, I move that Standing Order 14 be suspended so that I may table a Report for the Public Accounts Committee.

The Speaker: Are there any objections to that?

No.
Carry on.

[Motion carried: Standing Order 14 suspended.]

REPORT OF COMMITTEE

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE— ACCOUNTS OF THE GOVERNMENT OF BERMUDA FOR FINANCIAL YEAR APRIL 1, 2008 TO MARCH 31, 2009 AND APRIL 1, 2009 TO MARCH 31, 2010

Mr. N. H. Cole Simons: Mr. Speaker, under the provisions of the Standing Order 34(3) of the House of Assembly I hereby submit for the information of the Honourable House of Assembly a Report of the Parliamentary Standing Committee on the Public Accounts on the Annual Report of the Auditor General and on the work of the Office of the Auditor General and on the Accounts of the Government of Bermuda for financial year April 1, 2008 to March 31, 2009 and April 1, 2009 to March 31, 2010.

Thank you, Mr. Speaker.

The Speaker: Are there any objections?

There are none.
So the report will be laid.
Thank you.

The Speaker: Order No. 15 I am told is carried over.

Order Nos. 16 through 24 are carried over as there are no Members of the Opposition here.

And we now move on to third readings.
I recognise the Premier.

SUSPENSION OF STANDING ORDER 21

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Public Access to Information Amendment Act 2014 be now read the third time by its title only.

The Speaker: Are there any objections?

Carry on.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

PUBLIC ACCESS TO INFORMATION AMENDMENT ACT 2014

Hon. Michael H. Dunkley: Mr. Speaker, Public Access to Information Amendment Act 2014, I move that the Bill do now pass.

The Speaker: Thank you, Premier.

Are there any objections?
The Bill is passed.

[Motion carried: The Public Access to Information Amendment Act 2014 was read a third time and passed.]

The Speaker: The Chair now recognises the Minister for Health, Seniors and the Environment.

SUSPENSION OF STANDING ORDER 21

Hon. Jeanne J. Atherden: Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Nursing Amendment Act 2014 be now read the third time by its title only.

The Speaker: Any objections?
Carry on.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

NURSING AMENDMENT ACT 2014

Hon. Jeanne J. Atherden: I move that the Bill do now pass.

The Speaker: It has been moved that the Bill be passed.

Any objections to that?
The Bill is passed.

[Motion carried: The Nursing Amendment Act 2014 was read a third time and passed.]

The Speaker: The Chair now recognises the Minister of Public Works.

SUSPENSION OF STANDING ORDER 21

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Land Valuation and Tax Amendment Act 2014 be now read the third time by its title only.

The Speaker: Are there any objections?
Carry on.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

LAND VALUATION AND TAX AMENDMENT ACT 2014

Hon. Patricia J. Gordon-Pamplin: Thank you, Mr. Speaker.

Land Valuation and Tax Amendment Act 2014. I move that the Bill do now pass.

The Speaker: Thank you.
The Bill is now passed.

[Motion carried: The Land Valuation and Tax Amendment Act 2014 was read a third time and passed.]

The Speaker: The Chair recognises the Junior Minister for Home Affairs.

SUSPENSION OF STANDING ORDER 21

Mr. Sylvan D. Richards, Jr.: Thank you, Mr. Speaker.

Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Development and Planning Amendment Act 2014 be now read the third time by its title only—the Development and Planning Amendment Act 2014.

The Speaker: Yes.
Are there any objections to that?
Carry on.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

DEVELOPMENT AND PLANNING AMENDMENT ACT 2014

Mr. Sylvan D. Richards, Jr.: Mr. Speaker, I move that the Bill do now pass.

The Speaker: Thank you.
Any objections to that?
The Bill is passed.

[Motion carried: The Development and Planning Amendment Act 2014 was read a third time and passed.]

The Speaker: The Chair now recognises the Minister for Community, Sport and Cultural Development [*sic*], Minister Scott.

Hon. R. Wayne Scott: Thank you, Mr. Speaker. You meant to say Community, Culture and Sports.

The Speaker: Community, Culture and Sports.

SUSPENSION OF STANDING ORDER 21

Hon. R. Wayne Scott: I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Bermuda National Library Amendment Act 2014 be now read the third time by its title only.

The Speaker: Are there any objections?
Carry on.

[Motion carried: Standing Order 21 suspended.]

THIRD READING

BERMUDA NATIONAL LIBRARY AMENDMENT ACT 2014

Hon. R. Wayne Scott: Bermuda National Library
Amendment Act 2014.
I move that the Bill do now pass.

The Speaker: Any objections to that?
The Bill is passed.

*[Motion carried: The Bermuda National Library
Amendment Act 2014 was read a third time and
passed.]*

The Speaker: The Chair now recognises the Honour-
able Premier.

ADJOURNMENT

Hon. Michael H. Dunkley: Thank you, Mr. Speaker.
I move that the House do now close until No-
vember 7th.

The Speaker: All right. Thank you, Premier.
And I think, Premier, you have a statement
you would like to make as we . . . did you want to?
Yes, all right.

Thank you very much.
The House is now adjourned until Novem-
ber 7th. I wish everyone a Happy Cup Match, espe-
cially those from Somerset.

[Inaudible interjections]

[Gavel]

An Hon. Member: Go Somerset.

*[At 4:20 pm, the House stood adjourned until
10:00 am, Friday, 7 November 2014.]*

**BERMUDA HOUSE OF ASSEMBLY
2013/14 SESSION
OFFICIAL HANSARD REPORT**

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