



**2018/2020 SESSION  
of the  
BERMUDA HOUSE OF ASSEMBLY  
OFFICIAL HANSARD REPORT**

**16 March 2020**

*Sitting number 44 of the 2018/2020 Session  
(pages 3773–3878)*

**Hon. Dennis P. Lister, Jr., JP, MP  
Speaker**

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**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****16 MARCH 2020****10:09 AM***Sitting Number 44 of the 2018/2020 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Mrs. Shernette Wolffe, Clerk]***The Speaker:** Good morning, Members.*[Gavel]***CONFIRMATION OF MINUTES****The Speaker:** Members, the Minutes of the 11<sup>th</sup> and the 13<sup>th</sup> of March have been deferred.**MESSAGES FROM THE GOVERNOR****The Speaker:** There are none.**ANNOUNCEMENTS BY THE SPEAKER  
OR MEMBER PRESIDING****APOLOGIES****The Speaker:** There are two announcements this morning. One, I have received notification from MP Jeanne Atherden that she will be absent today. And the Minister of Education has indicated that he will be out as well due to health reasons today.**MESSAGES FROM THE SENATE****The Speaker:** There are none.**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE****The Speaker:** We have one paper or communication, and that is from the Minister of Finance.  
Minister.**Hon. Curtis L. Dickinson:** Good morning, Mr. Speaker.**The Speaker:** Good morning.**ACTUARIAL REVIEW OF THE CONTRIBUTORY  
PENSION FUND OF BERMUDA AS OF  
AUGUST 1<sup>ST</sup>, 2017****Hon. Curtis L. Dickinson:** Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Actuarial Review of the Contributory Pension Fund of Bermuda as of August 1<sup>st</sup>, 2017.**PETITIONS****The Speaker:** There are none.**STATEMENTS BY MINISTERS  
AND JUNIOR MINISTERS****The Speaker:** Yes. We have three Statements this morning; the first two are in the name of the Minister of Finance.

Minister.

**COVID-19 PANDEMIC—FISCAL PLAN****Hon. Curtis L. Dickinson:** Mr. Speaker, I rise this morning to provide this Honourable House with an update on some of the proactive economic and fiscal measures to be taken by the Ministry of Finance to combat the likely systemic threat that the [COVID-19 pandemic](#) will have on the economy of Bermuda and, by extension, Government's finances. Mr. Speaker, during this crisis the Government of Bermuda is committed to ensuring that we communicate as often as possible with information that is vital to our community, who are looking for answers to natural concerns.

The COVID-19 pandemic has already had significant health, economic and social impact on people and countries around the globe. This Government has therefore already taken key steps to address this serious threat to the safety and welfare of the residents of Bermuda. As countries have had to take extraordinary measures to prevent the spread of this virus, it has had a very negative impact on global markets and economies. In light of the potential impact of all of this on Bermuda, the Government is taking proactive steps to help provide appropriate financial assistance to Bermudians and to protect our Island's economy.

Mr. Speaker, this Government takes seriously its responsibility to assist the most vulnerable in our community, especially during times such as this, and the public can be assured that this continues to be one of our main focuses. To this end, the relevant sub-committees of Cabinet are meeting on an ongoing basis as needed to ensure that this crisis is appropriately managed.

Mr. Speaker, the current actions being taken as part of the Ministry of Finance COVID-19 pandemic fiscal plan are as follows:

- To provide financing to supplement reduced revenues, the Government is taking the necessary action to secure emergency liquidity lines of credit with local financial institutions. The required discussions have been held with all relevant parties to gain the necessary approvals, including an associated \$150 million increase in the debt ceiling. This will bring the debt ceiling to \$2.9 billion. These facilities will be used only when it is absolutely necessary;
- The Ministry will provide additional funding for the unemployment fund to further assist Bermudians who are unemployed;
- Lower-priority expenditures will be curtailed to ensure that spending needed for COVID-19 matters can be maintained. To that end, over the next three months Government will
  - delay the start of any capital projects that have not commenced;
  - institute an immediate freeze on posts not required to address COVID-19 or to protect Bermuda's national interests;
  - continue the ban on nonessential government travel; and
  - reduce all discretionary spending including training, materials and supplies, clothing and uniforms, et cetera.

Mr. Speaker, no spending reductions will be made that will jeopardise the health, safety and security of the people of Bermuda. Bermuda's unemployed will be assisted, and fiscal prudence will be strictly maintained. To be clear, protecting Bermuda from the health and economic impacts of COVID-19 is our priority.

Additionally, the Ministry of Finance has stepped up its monitoring of global economic conditions and its interaction with key stakeholders in the public and private sectors. To this end, the Ministry has already had very productive meetings with the Bermuda Bankers Association and is in regular communication with our union partners, representatives of key employers and other critical public agencies. We have sought their input in finetuning contingency plans in the event of a severe downturn in Bermuda's economy, while also having discussions with them in relation to appropriate actions they should take to assist the people of Bermuda during this challenging time.

Mr. Speaker, the future is not clear, but we do anticipate that there will be economic and fiscal consequences for Bermuda stemming from COVID-19. The implications for Bermuda will likely include:

- a downturn in visitor arrivals—air and cruise passengers;
- a reduction in consumer spending;
- retail sales may slow further in 2020;
- slower growth in the overall Bermuda economy;
- a rise in unemployment; and
- reduction in Government revenues.

The Ministry of Finance will continue to evaluate probable economic scenarios, including economic circumstances that may result in even more severe reductions in business conditions, employment and government revenues. This will allow for further temporary emergency measures to be taken, if necessary, so that Government can maintain essential public services and continue to service the needs of our community.

In closing, I am confident that Bermuda and her people will emerge from this crisis stronger. Together we have already considered a wide range of possibilities and made plans to address them and strengthen Bermuda's capacity to weather the storms on the economic and fiscal horizons. Mr. Speaker, I wish to once again assure the people of Bermuda that the Government is sensitive to the challenges facing us from COVID-19, and with your support and cooperation we will continue to take required steps to navigate our Island through these difficult economic and financial times. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister.

Minister, while on your feet, would you like to do your second Statement?

#### **ACTUARIAL REVIEW OF THE CONTRIBUTORY PENSION FUND OF BERMUDA AS OF AUGUST 1<sup>ST</sup>, 2017**

**Hon. Curtis L. Dickinson:** Mr. Speaker, in accordance with section 35 of the Contributory Pensions Act of 1970, I am pleased to table the [Contributory Pension Fund \(CPF or the Fund\) Actuarial Report as at August 1<sup>st</sup>, 2017](#). The main purpose of the 2017 actuarial review was to consider the implications for future contribution rates of maintaining benefits at their present levels in real terms and to consider the long-term sustainability of the fund. The review includes projections of contribution income and expenditure (on benefits and administration), projections of the fund balance (allowing for an assumed rate of investment return), and projections of the number of years' outgo secured by the fund.

Mr. Speaker, the contributory pension scheme plays an important role in Bermuda's pension arrangements, providing a first tier, or basic, pension to

more than 11,400 seniors and other beneficiaries, the majority of whom live in Bermuda. The maximum benefit is currently about \$1,545.63 per month. Altogether, some 13,298 persons currently receive benefits under the Act. Currently, the average pension paid under the CPF is around 28 per cent of the median annual gross earnings for Bermudians as indicated in the Bermuda Job Market Employment Brief produced by the Department of Statistics.

Mr. Speaker, even though the actuarial review is an excellent tool in overall pension management, it is important to recognise that the financial projections for future years are based on reasonable assumptions and they should not be taken as forecasts of the outcome. The projections should be updated at successive actuarial reviews in light of the latest information available. The main findings of the actuarial review are as follows:

- The fund earned a nominal rate of return net of investment expenses of 3.5 per cent per annum and a real rate of 1.8 per cent per annum over the three years since the last review (3.1 per cent and 1.4 per cent if investment expenses are excluded). This exceeded the policy index but compares with the real rate of return assumption of 3.5 per cent.
- The net assets of the fund grew 3.46 per cent over the three years from \$1.8 billion to \$1.83 billion. This was 8.8 per cent below the projected value from the previous review.
- Contribution income in 2016/17 (\$121.7 million) was 13 per cent higher than in 2013/14, and benefit expenditure (\$155.8 million) increased 16 per cent over the three years since the last review.
- Total expenses for the three years averaged 0.37 per cent of the average fund, down from 0.52 per cent over the previous three years. Pure administrative expenses averaged 15 basis points of the average fund over the three years and were 0.14 per cent of the average fund at the review date. As a percentage of contribution income, total expenses have been relatively stable over the last 10 years at 7.0 per cent.
- Since the last review, the number of contributors remained relatively constant, from 34,806 in the year ending 31<sup>st</sup> of July 2014 to 34,890 in the year ending July 31<sup>st</sup>, 2017.
- Both the benefit and contribution rates increased during the inter-review period by 5.0 per cent and 7.5 per cent, respectively, effective August of 2016.
- Based on the population projection figures, the old-age support ratio has declined since the last review. The ratio was 3.9 in 2014 and is 3.6 in 2017. The ratio is projected to decline to 1.6 over the next 50 years. The comparative ratio, using the actual contributors and

beneficiaries of the fund, declined from 3.0 in 2014 to 2.7 in 2017.

- The asset–expenditure ratio is a static measure of the size of the fund to annual expenditure, or the number of years' cover provided by the fund based on the current annual expenditure. This ratio decreased over the three years from 12.6 years to 11.5 years. Compared with fourteen other regional social security schemes in a 2013 study, Bermuda's ratio is better than nine of these countries (averaging 7.5 years). By comparison, the ratio for the Canada Pension Plan in 2017 was 6.56 years.
- The fund is projected to increase gradually until 2023, then decline steadily until it is exhausted in 2047 under the best estimate scenario. This is two years earlier when compared to the previous review.

Mr. Speaker, Honourable Members are advised that the financial performance of the fund over the three years was below expectations due to lower-than-expected investment returns and contribution income. This was offset by lower-than-expected administrative and investment expenses and benefit payments. The viability of the fund in the short-to-medium term is good, with the fund being able to cover at least 11 years of the current expenditure and being positive for the next 29 years. However, recognising the long-term demographic challenges of the fund, the Ministry will continue to closely monitor the performance of the fund.

Mr. Speaker, it should be noted that the funding policy for the fund is not based on full actuarial funding but based on sustainable funding. That is, contributions plus investment income should cover benefits and administration expenses on an annual basis while the fund builds up sufficient reserves to cover several years of benefits and expenses to withstand future adverse circumstances.

Mr. Speaker, Honourable Members should note that in order to improve the projected financial position of the fund in the long term, the report has laid out various alternative scenarios which will be considered by the Ministry in seeking to preserve the long-term financial viability of the fund. Honourable Members are advised that the finalisation of the 2017 Actuary Report was delayed due to problems in extracting data for the report. In addition, some of the data requests from the actuary had changed compared to prior years, resulting in further delays in data extraction.

Mr. Speaker, recent pronouncements about a change in the CPF contribution structure from a fixed-rate structure to one based on a percentage of income have not been included in this report. The Ministry considered it prudent to have an update on the current financial position of the fund before any material changes were made to the design of the fund, noting that the last review was done as at the 1<sup>st</sup> of August of

2014. The actuaries have started modelling the effect of changing the CPF from a flat rate contribution to one based on a percentage of income, but more work has to be done on this proposal.

Mr. Speaker, the CPF was established in 1970, and thus has a rather simplistic design. Since the CPF was established there have not been any meaningful reforms to the plan, even after the mandatory National Pension Scheme (Occupational Pensions) Act was introduced. Accordingly, the Ministry is of the view that any reform of the CPF should take a holistic view of pensions for the various categories of workers to reduce coverage gaps, excessive amounts and/or anomalies.

With the CPF as the first pillar of retirement income, reformed CPF benefits together with other pensions could provide for progressive benefits and a contribution formula at levels that can lead to the sustainability of the CPF in the longer term. Meanwhile, it is important that Government review the 2017 Actuary Report and take the required actions to enhance sustainability of the fund.

Mr. Speaker, the Ministry of Finance proposes to engage the Government's actuary of record and any other service provider required to conduct a comprehensive review of all pensions in Bermuda. It is anticipated that this engagement will be completed by the end of 2020 and will be shared with the Honourable House. Honourable Members are advised that the next actuary review of the Contributory Pension Fund is scheduled for the period ending July 31, 2020.

Mr. Speaker, despite the encouraging short to medium-term outlook on the fund, what is clearly evident from this latest review is that Bermuda, like most of the developed world, is faced with the challenges associated with the growth of an ageing population. During the next 50 years, the number of people over pension age (65) is expected to increase from 10,484 to 17,665, an increase of 7,181, or 68 per cent. This increase in our seniors will obviously place a greater strain on the country's pension system. Honourable Members should note that in order to improve the projected financial position of the fund in the long term, the Ministry will carefully consider alternate scenarios included in the report.

Mr. Speaker, in closing, I wish to assure Members, and more importantly current and future pensioners, that the Government is sensitive to the challenges facing pension plans of this nature and will endeavour to take the appropriate steps to enhance the benefits paid from the scheme, as well as ensure that the fund has the ongoing ability to pay for such benefits.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister.

This closes the Statements this morning from Ministers and Junior Ministers. We will now move on.

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

## QUESTION PERIOD

**The Speaker:** The questions this morning are related to the Statements given this morning.

Minister of Finance, there are three Members who have indicated they would like to put questions to you in reference to your first Statement. And the first question this morning will come from the Leader of the Opposition.

Honourable Member, would you like to put your question?

**Hon. L. Craig Cannonier:** Thank you, Mr. Speaker, and good morning to everyone as we move through this ever-changing time and subject of the coronavirus.

**The Speaker:** Good morning.

### QUESTION 1: COVID-19 PANDEMIC— FISCAL PLAN

**Hon. L. Craig Cannonier:** I want to ask the Minister a question in light of the economic effect already on Bermuda with cruise ships and airline restrictions, quarantines in place, schools now closing and the like. [I'm] just trying to find out whether or not, or when does he expect, realistically, to be able to get some answers from the banks in aiding Bermuda during this trying time? I know that he is in discussions with them and things are changing on a daily basis. But if he can just let the public know a little more about how he is proceeding with these measures, taking into consideration that—and I want to say this to everyone here, in the public and in these Chambers—Bermuda came to the aid of the banks when they needed help. It is now time for the banks to show up.

*[Inaudible interjections]*

**Hon. L. Craig Cannonier:** They need to show up, Mr. Speaker. And I have assured the Minister in my discussions this weekend with him, and also I have been in more than usual discussions with the Premier over the weekend, as well.

*[Laughter]*

**Hon. L. Craig Cannonier:** And I am concerned. I need to know and the public need to know that the banks are going to show up! So they can rest assured and they can be assured that we in Opposition will be calling, as well, to support the Minister. So if he can help us out with giving Bermuda some more detail.

**The Speaker:** Thank you.  
Minister.

**Hon. Curtis L. Dickinson:** Thank you, Mr. Speaker. Mr. Speaker, let me start by first thanking the Honourable Opposition Leader for his support during these challenging times.

I can report that I met with the Bermuda Bankers Association last week Thursday, at which we discussed a range of issues around financial consequences of this COVID virus. When the meeting adjourned, the action item was that the banks would come back to me today with their answers with respect to my request that they give consideration to reducing rates and [there would be] a broader conversation around how they plan to support their customers, both from the retail side as well as the corporate side.

Mr. Speaker, yesterday afternoon the Federal Reserve, in an extraordinary move, reduced rates down to zero—zero to 25 basis points. I had a call last evening with the Bermuda Bankers Association, most of the members, and a subsequent call after the main call with another member. And I expect that the banks will, over the course of today and tomorrow, make announcements themselves around the actions that they propose to take.

Prior to coming to this Chamber this morning, I had a conversation with one of the banks, who will be making an announcement imminently setting out their position on rates, as well as how they will engage customers who are having difficulty servicing their mortgages and other credit obligations over the coming weeks and months. I am confident that the banks will show up. I have left it to them to determine what is appropriate by being ever clear of the precedent that has been set by the Federal Reserve a week and a half ago on Wednesday and yesterday.

So we await their public statements.

**The Speaker:** Thank you, Minister.

Second question or supplementary?

No? Okay. We will go on to the next Member.

The next Member who has a question for you, Minister, is the Member from constituency 23.  
Honourable Member.

#### **QUESTION 1: COVID-19 PANDEMIC— FISCAL PLAN**

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

Mr. Speaker, to the Minister: Given his recognition of the negative financial impact, according to his Statement, could the Minister advise whether he will bring to this Honourable House a mini-budget of sorts, perhaps in three months when there is better indication as to what the financial impact is, given that what we have been debating over the last six days that we

have completed and finishing up today, that budget is effectively obsolete?

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, we are in uncharted territory. And so I will commit to updating the House as appropriate on the country's finances. I would remind Members that we are two weeks shy of the close of the current fiscal year. Tax revenues are expected to come in on April the 15<sup>th</sup>. The first quarter is generally a robust one for the Government from a tax-collection perspective. But we will have no concept of what we will be experiencing until we have actually experienced it.

So in the spirit of being transparent about Government's finances, I commit to updating the House regularly on where the Government stands financially.

**The Speaker:** Thank you, Minister.

Supplementary? No further.

The next question this morning, Minister, is from the Member from constituency 10. Would you like to put your question?

#### **QUESTION 1: COVID-19 PANDEMIC— FISCAL PLAN**

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker, and good morning to all colleagues. And first let me state this: I applaud the Government staying on the case and being as aggressive as possible in keeping the community aware of what is going on.

But let us face it: The situation is going to get worse before it gets better. And so I appreciate the Honourable Minister's Statement today. But in looking at page 4 of the Statement, the Minister says, "The Ministry of Finance will continue to evaluate probable economic scenarios" (and it goes on to say) "including economic circumstances that may well result in even more severe reductions in business conditions." This is a true and telling statement.

And I would ask the Honourable Minister, What are the current plans to deal with those who are going to be severely impacted? I refer to seniors, who are probably struggling now with the limits on their prescriptions, knowing that there could be some interruption in the supply chain, and people perhaps doing some of what I would call *panic buying* at the present time. And secondly, I refer to businesses which are forcing people to work from home, and how employed people will be covered with their salaries in these circumstances? And thirdly, small businesses whose businesses are drastically shrinking now because people are not taking on the jobs that they would [have otherwise taken on], how are they going to be helped?

The need is real, and we should be talking about it and addressing it before it happens, because it is coming.

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I would refer my honourable colleague to the second page of my Statement in the first bullet point, which speaks to the speaking with local banks to secure additional lines of credit for \$150 million of incremental liquidity as being the first step in being able to provide—a position to provide support to various members of our community.

For me to stand here and suggest that I have thought through every single permutation of what could go wrong would be, happily, untrue. What I have done, though, is try to position the Government in a place where it has the fiscal, financial resources to provide support necessary for all of our citizens should they fall upon hard times. We are in uncharted territory. And so I stay very, very cautious of trying to scenario-play all the possible outcomes of what is going to happen as a result of this pandemic.

But what I can do is make sure that Government has the financial resources to respond appropriately to those citizens who actually have needs.

A number of employers at this point are doing a bunch of work trying to figure out how they are going to cope with the situation. Many people are working from home. We have appealed to the utilities and to the banks to have some patience and to display some dispensation to people who are having difficulty meeting their obligations. That is the beginning of a process. We will continue to do this work over the course of the coming weeks as the impact of this virus becomes clearer and clearer to us.

**The Speaker:** Thank you, Minister.

Supplementary? Further questions? Supplementary?

**Hon. Michael H. Dunkley:** Supplementary, Mr. Speaker.

**The Speaker:** Yes.

#### SUPPLEMENTARY

**Hon. Michael H. Dunkley:** I thank the Honourable Minister for that comment.

So the Minister will secure the credit line of \$150 million. Will the Minister undertake to come back to the House as soon as possible and tell us more [about the] plans of how that money is going to be used? Because obviously people are going to start wanting to reach out. And they need to be reaching out in the appropriate place. These are serious con-

siderations that people are asking us through the weekend, as we move forward.

**The Speaker:** Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, let me be very clear about this. Because I think it is really important. One of my responsibilities is to protect the fiscal purse of this country, a responsibility that I take very, very seriously. However, we are in a situation where we can face an economic catastrophe. And I, quite candidly, am not focused on the amounts of debt that we are taking on to provide the necessary support to citizens, because in my mind, as I am sure as it is in everybody else's mind in here, people come first. And we need to be very, very, very careful about this.

And I think last week, Wednesday or Thursday, I spoke with the Shadow Minister of Finance as I was reflecting on increasing the debt ceiling, because I thought that this was an opportunity for this House to demonstrate how we can behave as bipartisan [as possible] around confronting an issue of national emergency. I will say this, that I have been overly impressed with the support that I have received from MP Gordon-Pamplin and the Opposition Leader with respect to being broadly aligned with me around working with me to get through this issue from a financial perspective.

*[Desk thumping]*

**Hon. Curtis L. Dickinson:** We have to . . . and I understand the Honourable Member's question. I do not have all the answers to all of the questions at this point. But I can tell you this: This is not an opportunity to kind of run around and spend money like willy-nilly. We have to be very strategic about how we use these funds, because they are limited. And we have to make sure that they are being deployed and used for the purposes that meet the best needs of our people.

**The Speaker:** Thank you, Minister.  
Supplementary?

**Hon. Patricia J. Gordon-Pamplin:** Yes, a supplementary.

**The Speaker:** Yes.

#### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** And I thank the Minister for his acknowledgement that we actually have had significant talks over the course of the past week, because we recognise the situation in which the country finds itself.

I think the question that I just want for the Minister to explain and to underscore, for public edification, is that the increase in the debt ceiling will come

by way of an increased line of credit. And he is not going out to grab a whole lot of money to have cash available. So it will be done. The getting of the cash and the expenditure thereof will be predicated upon what the immediate demands are. I think that this is an important point for the public to understand, that we are not putting a whole lot of extra money into the kitty to say, *Ah, here's great big cash and we can spend it at will.* I think if the Minister can just underscore that point, for the edification of the public, that would be useful in terms of understanding not just the process, but where we stand.

**The Speaker:** Thank you.  
Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I thank the Honourable Member for the question.

So, every February 15<sup>th</sup>, the Government collects what I refer to as a bounty. It is a bunch of money that comes in from payroll taxes. It is the highest point of the year from a cash perspective for the Government.

So do I foresee an immediate need to draw down on the lines of credit that we are putting in place to deal with this crisis? The answer to that is no. But I would be irresponsible if I did not try to plan for an eventually that may come to pass. And so the securing of lines and the raising of the debt ceiling is a preventative measure, one that is intended to perhaps, with me having some foresight in terms of what is going to happen going forward.

The last thing that I want any of us to have suffered through is to run into a liquidity crisis and not having taken the appropriate steps to ensure that we have liquidity lines in place. This is a preventative measure. The funds are not going to be drawn unless they are absolutely needed. I foresee that we have sufficient liquidity at the moment to deal with current needs. But in the event that those needs should change, the circumstances should change, we want to have the lines in place to ensure that we can fund the ongoing working of the Government.

**The Speaker:** Thank you.  
Any further questions or supplementaries?  
There are none. We will move on.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** Would any Member wish to speak?  
We recognise the Honourable Member Swan from St. George's.  
Honourable Member, you have the floor.

**Mr. Hubert (Kim) E. Swan:** Yes, Mr. Speaker.  
Mr. Speaker, I would like for condolences . . . and recognition [be given] of the life of Joycelyn Marie

Burgess of Wellington Back Road, Mr. Speaker, a very humble lady who was funeralised on Thursday. I had the opportunity to join in with many in the community to see her, to be at her homegoing service.

Mr. Speaker, not too far around the corner from her was Ms. Loise Paynter, who will be funeralised today, another senior who was a stalwart matriarch of the Paynter family down there on Waterloo Lane. I would like recognition [to be given] in this House on her passing. And condolences have been extended to her family from myself, but I wanted to recognise her contribution to her family and her community.

[Condolences also], Mr. Speaker, for Mr. [William] Marischal Astwood, the family of Marischal Astwood from Warwick. I associate the Honourable Member, Mr. Tyrrell, with that. He was a former Member of this House, as well, from way back when. Honourable Member Cole Simons, Honourable Member . . . the whole House.

**The Speaker:** That is right. Yes. Yes.

**An Hon. Member:** He was a Member.

**Mr. Hubert (Kim) E. Swan:** Yes, he was a Member.

**The Speaker:** Yes, yes, yes, yes.

**Mr. Hubert (Kim) E. Swan:** From 1972 to 1976 he was a Member.

**The Speaker:** Marischal Astwood, Mr. Astwood. That is right. He was.

**Mr. Hubert (Kim) E. Swan:** [Also for] Mr. Graeme Seaton, who was almost my neighbour. He lived on the third tee of Castle Harbour Golf Course. I used to see him a lot of times when he was on his leisurely walks. His wife Rhonda Dismont.

**An Hon. Member:** He died?

**Mr. Hubert (Kim) E. Swan:** Yes. He made his contribution with Pan Am. Mr. Graeme Seaton, very nice man, humble, businessman.

And also, Mr. Speaker, this was a memorial that was held in St. George's Cricket Club on Friday for . . . on Saturday for the passing of Cal Rayner, CO. He passed five years ago. He died on the field. And the family still mourn his passing. And I had the honour to be able to say a few words on Saturday. And the only word of comfort I could think of that was most fitting was, *Love is the greatest gift given to us by the good Lord.* Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Swan.  
Does any other Member wish to speak?



**Mrs. Renee Ming:** Yes. Good morning, Mr. Speaker.

**The Speaker:** Would you like to have a contribution this morning?

**Mrs. Renee Ming:** I sure would. I sure would.

**The Speaker:** Go right ahead, Ms. Ming.

**Mrs. Renee Ming:** First of all, I would like to extend congratulations to Ceble Crockwell. She is the—she, *she*—new President of St. David's Cricket Club. And obviously, we throw our support behind the young lady.

And I would also like to say *Happy Birthday* to one of my constituents, Mr. Speaker, Mr. Cala Smith. His name really is Calvin, but everybody in St. George's calls him Cala. His birthday was yesterday, and I just want to give him a shout-out because he likes to listen and hear what goes on in this House.

Also I would like to be associated with the comments for Calvin Rayner. Calvin Rayner . . . my colleague was absolutely correct that it was five years on Saturday, but it was quite emotional for the family as they relived what happened out on the field on that day. And I just want them to know that . . . and that is on Aunt Essie, Tracey, Tanya, Sinclair, all of them, that they are in our thoughts and our prayers today.

And then also I would like to say *Happy Birthday* to Barbara Swan. She happens to be the mother of MP Kim Swan. And she is celebrating her 87<sup>th</sup> birthday today. And so because we sit here with our colleague, we know she must be a woman of stature because, you know, I obviously hold my colleague in high esteem. So we wish her all the best. We wish her many more and hope that she has a delightful birthday.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

There are none. No other Honourable Member wishes to speak at this time.

## ANNOUNCEMENT BY THE SPEAKER

### MOMENT OF SILENCE

*[In memory of  
Mr. William Marischal Astwood, former MP]*

**The Speaker:** I am going to actually take a moment to do what is customary. When a former Member of this House has passed, we normally observe a moment of silence in recognition of the service they gave to the country. And in the whirl that was going on in reference to the current health matter, I overlooked the fact that we should have started this procedure with this

condolence and given a moment of silence to Mr. Astwood, because he had been a Member of Parliament in the other Chamber in the early 1970s, I believe.

**An Hon. Member:** Yes.

**The Speaker:** And it would only be fitting to recognise his contribution to the country.

So I would ask all Members to join me in standing and observing a moment of silence for the former Member, Mr. Astwood.

*[The House rose and observed a moment of silence.]*

**The Speaker:** Thank you, Members.

## 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 two Bills to be introduced this morning. The first Bill is in the name of the Minister of Finance.

Minister.

## FIRST READING

### GOVERNMENT LOANS AMENDMENT ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: Government Loans Amendment Act 2020.

**The Speaker:** Thank you.

And the second Bill is in the name of the Minister of Health.

Minister.

**Hon. Kim N. Wilson:** Thank you. Good morning.

**The Speaker:** Good morning.

## FIRST READING

### PUBLIC HEALTH AMENDMENT ACT 2020

**Hon. Kim N. Wilson:** Mr. Speaker, I am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting, namely, the Public Health Amendment Act 2020.

**The Speaker:** Thank you.

## ORDERS OF THE DAY

**The Speaker:** Members, we are now on to the Orders of the Day. And the first order is the resumption of the Committee of Supply.

But we are going to ask Members for your indulgence as we seek to suspend the rule at the moment so that we can deal with the last Bill that was just introduced by the Minister of Health in reference to the national importance that it holds right now, considering the health challenge that not only Bermuda, but the world, is facing.

And with that, Members, will you allow us to indulge in the suspension of rules?

**Some Hon. Members:** Yes.

**The Speaker:** Thank you.  
Minister.

### SUSPENSION OF STANDING ORDER 29(1)

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker.

I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled Public Health Amendment Act 2020.

**The Speaker:** No objections; continue, Minister.

## BILL

## SECOND READING

### PUBLIC HEALTH AMENDMENT ACT 2020

**Hon. Kim N. Wilson:** Mr. Speaker, first let me stand here and express my thanks to this Honourable House for the unanimous support for the suspension of the Standing Orders to enable me to proceed with the Bill before this House for consideration this morning.

Mr. Speaker, these are extraordinary times in which governments and systems are being tested all over the world. The advent of COVID-19 has required decisive action on the part of decision-makers and caused us to adjust our daily lives to mitigate the risk

that this virus poses to the communities. The Bill before this Honourable House proposes to amend the Public Health Act 1949 to provide the authority for the Minister of Health to prevent the threatened spread of a communicable disease of what is referred to as in the first or second category by closing schools, cinemas, churches, hotels or other places of public resort or meetings in Bermuda.

Mr. Speaker, I can advise Honourable Members that communicable diseases of the first and second category are defined in the principal Act at Part V, section 66, and that by order of the 7<sup>th</sup> of February 2020 COVID-19 was added to the definition of "communicable diseases of the first category."

Mr. Speaker, I would also like to invite Honourable Members to note that the proposed Amendment augments the intended power of the Minister by requiring also that whether there is an immediate risk of an outbreak of such disease in any part of Bermuda must be in the opinion of the Chief Medical Officer. Mr. Speaker, this is an important point, as I wish for Honourable Members and the public to fully appreciate that any action taken by the Minister of Health under these proposed amendments to the Act will be done with the benefit of fulsome public health advice from the Island's Chief Public Health Officer.

Mr. Speaker, I would also like to advise Honourable Members that there is a right of appeal to the court of summary jurisdiction against the making of an order pursuant to section 88(3), which is with respect to this particular Act. And section 88(2) provides that failure to comply with an order is a criminal offence, with penalties set out in section 186 of \$1,000 fine for the first offence; and subsequent offence, [a fine] of \$5,000; and also, Mr. Speaker, daily fines of \$500 with respect to the continuation of this offence.

Mr. Speaker, this Government is keenly aware of the economic impact and potential for social disruption that can be caused by the use of this authority. In every public health scenario, there is a balance to be struck. Events around the world, which confirm the aggressive spread of this virus and the importance of firm action to preserve life, dictate that we must have every tool available to protect the people who live and work in Bermuda. Mr. Speaker, as I commend this Bill for the consideration of this Honourable House, I wish to thank all of those public officers, especially those within my Ministry, who have [devoted] and continue to devote their every waking hour to the safety and well-being of the people of Bermuda. Thank you.

**The Speaker:** Thank you, Minister.

Does any other Member [wish to speak]?

We recognise the Shadow Minister of Finance (not Health, Finance).

**Hon. Patricia J. Gordon-Pamplin:** And Health.

**The Speaker:** And Health.

The Honourable Member, you have the floor.

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

Mr. Speaker, I thank the Minister for not just the brief, but for the proactivity in sharing with us the brief in advance of this debate so that we have the opportunity to not just consider matters that are of this level of importance, but also to be able to embrace it with the degree of clarity that is necessary as we represent the people of Bermuda.

The amendment which is being made is almost a mirror image of the existing section 88 of the Act, with the inclusion of one additional clause, such that the Chief Medical Officer has to have belief that there is an imminent danger and therefore can exercise the powers that are being conferred under this amendment.

As a people, it is important for us to be nimble, for us to recognise how the health of our people could be very easily compromised if we do not have measures in place to be able to arrest any challenges that we might be facing. With that said, I only have . . . we obviously support this fully. I just have one quick question in respect of it, and I know that it exists in the present legislation which speaks to schools. And I think that what is not clear is what the actual logistical protocols are in respect of schools, because there is no indication in the Act as it exists or as it is being amended that the Minister of Education is to be a part of that discussion before schools are closed.

Businesses I get. The Minister has that authority. The Chief Medical Officer can make the determination. But I think that within schools there is a certain additional protocol that is put in place by the school rules and by the Education Ministry. And I just wonder if we could just make some clarity by way of explanation (obviously, not necessarily in changing the Bill, but just by way of explanation) as to how those logistical protocols will continue to operate.

Otherwise, Mr. Speaker, we support the Minister in this particular amendment. Thank you.

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

Does any other Honourable Member wish to speak?

Mr. Swan, are you—

**Mr. Hubert (Kim) E. Swan:** Yes.

**The Speaker:** Okay. We recognise Honourable Member Swan from St. George's. You have the floor.

**Mr. Hubert (Kim) E. Swan:** Yes, Mr. Speaker.

Mr. Speaker, I want to take this opportunity to thank the Minister of Health and particularly those health workers who . . . and her team around her, who I am sure are under some very difficult, stressful times at this particular time in our history here in Bermuda. I

have had calls from many persons older than I am who lived through World War II and wartimes. And I would say that you can think of any tragedy that may have hit Bermuda. But to think that the entire globe is universally impacted because of this issue, this coronavirus issue is extremely significant on many, many, many levels. So those particular workers on the front-line, Mr. Speaker, and those persons on the frontline in leadership have a very difficult task.

I want to acknowledge something that the Minister of Finance shared this morning, and other Ministers have made mention, of the bipartisan effort that is taking place in the House. And we saw it last Friday at lunchtime. And I will go a step further, Mr. Speaker, to call upon all of us in leadership in our communities to encourage persons to channel any concerns that they might have towards their Members of Parliament or persons of leadership within their community and to refrain from the public discourse.

As the Ministers have indicated, the work that is taking place between the Shadow Finance Minister and also the Shadow Health Minister, who is wearing a double hat and is communicating with both the Minister of Finance and the Minister of Health, to encourage their supporters and people who even might write or be trying to write to communicate a message that might be contrary to the spirit that they are practicing is happening.

I think that is important, particularly when I look at what was written by a member of the public today, a former legislator who was writing something that could be, and as many of us looked as, a message from the Opposition itself that I deemed unfortunate.

And I also—

**Hon. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

**The Speaker:** Point of order. Yes.

## POINT OF ORDER

**Hon. Patricia J. Gordon-Pamplin:** If the Honourable Member would not mind yielding.

I think it is very important to understand that we are not responsible for the writings that people make. And notwithstanding that people may have had whatever affiliations, we cannot take responsibility. We in this Honourable House take our responsibilities here very seriously when it comes to the health and concerns of the people of Bermuda. And we cannot take on negative connotations because somebody who might have been . . . I do not even know the correspondence to which he relates. But I think that it is very important to nip this in the bud. Do not blame the OBA because somebody said something that is stupid!

**The Speaker:** Thank you.

**Mr. Hubert (Kim) E. Swan:** I appreciate the Honourable Member characterising the comments as *stupid*. And that is the one reason why I did speak. And I prefaced my remarks (and I have to make this point) by complimenting that Honourable Member and her Leader for the bipartisan work that is taking place across the aisle. But I must tie in the fact that it did not escape me that the daily paper took the opportunity to do something similar. And these are very . . .

You know, I had a constitutional responsibility once in my life. And I remember when the 2007 recession engulfed the world as well. And I remember working hand in hand with Dr. the Honourable Ewart Brown with Bermuda First and having the responsibility to hold many conversations with leaders of this country, whether or not they be business leaders under a sacred repository, and to act very responsibly. And that is what needs to happen with the media, and that is what needs to happen with other persons out there.

And my advice was this, that in recognising the significance and the threat to the entire world at the level that it is, Mr. Speaker, it is incumbent upon us to not distance ourselves from what our persons might be inclined to say, but show them leadership by communicating to them that they have to act a little bit more responsible in this way. And this includes the *Royal Gazette*. This includes the Editor of the *Royal Gazette* and those who fall under him, Mr. Speaker, because this situation as we look and spend hours looking at what is happening on different world media, whether or not it be CNN, whether or not it be Fox, wherever you get your news from, is a very stressful time, a very difficult time for many people.

I am in communication, Mr. Speaker, with some leaders in the world. I think of a good friend of mine, one of my students, a senior retired, probably one of the most celebrated judges in North America from the Asian community whom I deem someone who is akin to the NAACP of the Asian community who expresses to me how difficult this is in their community, how their community in places, in Chinatown, are being targeted, Mr. Speaker, as a result. And it is important that we realise the type of global panic that could take place, that we need to do all that we can to bring about the right mind-set in this country to deal with this very difficult, trying time.

I close as I started, Mr. Speaker, by thanking the spirit of bipartisanship that is being practiced in this House. And as leaders, we must communicate that [bipartisanship] outside of this House to the people who are looking for us for leadership! And that includes social media. That includes private conversations. And that includes if you feel the Government needs a bit of advice, the lines of communication are open and they are working. And I encourage persons to channel those communications through persons

whom they consider their leaders so that they can represent them in a responsible way. And I support our Government's efforts in this very difficult set of circumstances.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

No other Honourable Member.  
Minister.

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker, and I thank the Honourable Members for their contributions, recognising again we are in extraordinary times. And sometimes extraordinary times call for extraordinary measures.

There was a question concerning the protocol with respect to the schools and, no doubt, any decisions that are made concerning the enforcement of this particular amendment under consideration today, all factors will be taken into consideration. However, at the end of the day, ultimately the mischief, or—behind this legislation is to ensure that we take immediate steps when there is, perceived by the Chief Medical Officer, an immediate risk of an outbreak of a disease.

I would like to also, Mr. Speaker, just remind colleagues that under the government website there are protocols and guidance notes with respect to things such as self-quarantine guidance, guidance for the hotels, et cetera, as well as guidance for the public schools. So I would certainly encourage members of the public, if you have any questions to look at, again, recommended resources. And in particular there is one that deals with the protocols and the guidance for the public schools.

And with that, Mr. Speaker, I would ask that this Bill do now be committed.

**The Speaker:** Thank you, Member.  
Deputy.

#### House in Committee at 11:06 am

[Hon. Derrick V. Burgess, Sr., Chairman]

### COMMITTEE ON BILL

#### PUBLIC HEALTH AMENDMENT ACT 2020

**The Chairman:** Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Public Health Amendment Act 2020](#).

Minister Wilson, you have the floor.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

I would like to move all three [*sic*] clauses, please.

**The Chairman:** Continue.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

Clause 1 is the standard citation clause.

Clause 2 amends the Public Health Act 1949 to provide power for the Minister of Health to prevent the threatened spread of a communicable disease of the first or second category by closing schools, cinemas, churches, hotels or other places of public resort or meeting in Bermuda.

**The Chairman:** Yes. Two clauses.

Are there any speakers, any further speakers?

There appear to be none.

Minister, continue.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.

I move that the . . .

**The Chairman:** Clauses 1 and 2.

**Hon. Kim N. Wilson:** Thank you. Clauses 1 and 2 be approved, Mr. Chairman.

**The Chairman:** It has been moved that clauses 1 and 2 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 and 2 passed.]*

**Hon. Kim N. Wilson:** Mr. Chairman, I move that the preamble be approved.

**The Chairman:** It has been moved that the preamble be approved.

Are there any objections to that?

There appear to be none.

Approved.

**Hon. Kim N. Wilson:** Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** It has been moved that the Bill be reported to the House as printed.

Any objections to that?

The Bill will be reported to the House.

*[Motion carried: The Public Health Amendment Act 2020 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 11:08 am**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## REPORT OF COMMITTEE

### PUBLIC HEALTH AMENDMENT ACT 2020

**The Speaker:** Members, are there any objections to the Public Health Amendment Act being reported to the House as printed?

There are none.

**Hon. Kim N. Wilson:** Mr. Speaker, excuse me?

**The Speaker:** Yes.

### SUSPENSION OF STANDING ORDER 21

**Hon. Kim N. Wilson:** I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Public Health Amendment Act 2020 be now read the third time by its title only.

**The Speaker:** Members, are there any objections to that?

There are none.

Continue, Minister.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

### PUBLIC HEALTH AMENDMENT ACT 2020

**Hon. Kim N. Wilson:** Mr. Speaker, I move that the Bill be now read the third time by its title only and passed.

**The Speaker:** No objections?

It has now been read the third time and passed.

*[Motion carried: The Public Health Amendment Act 2020 was read a third time and passed.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker.

**The Speaker:** Thank you.

And I would like to thank the Members of the House for their indulgence in considering the national importance of that particular Bill.

And now we will resume with the Orders of the Day and the resumption of the Budget Debate. And again for the listening audience, I would like to acknowledge the cooperation of both sides of the House that this portion of the debate for the day has been altered and that the Ministry of National Security will be the Ministry debated today. And then we will have the conclusion of the Budget Debate.

And with that, I ask the Minister of Finance to move us into the resumption of the debate.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the House do now resume in Committee of Supply to consider the Estimates of Revenue and Expenditure for 2020/21.

**The Speaker:** Thank you.

And then the Chair for this morning will be the Honourable Member, Mr. Tyrrell.

Mr. Tyrrell, would you like to take the Chair? Thank you.

### House in Committee at 11:10 am

*[Mr. Neville S. Tyrrell, Chairman]*

## COMMITTEE OF SUPPLY

### ESTIMATES OF REVENUE AND EXPENDITURE FOR THE FINANCIAL YEAR 2020/21

*[Continuation thereof]*

**The Chairman:** Good morning, Members.

Honourable Members, we are now in Committee of Supply for further consideration of the Estimates of Revenue and Expenditure for the year 2020/21. Heads 63, 98, 2, 5, 56, 85, 92 and 101 are now to be debated.

I call on the Minister in charge to proceed.

**Hon. Wayne Caines:** Mr. Chairman, the only head that will be debated today is Head 27.

**The Chairman:** Just Head 27?

**Hon. Wayne Caines:** Yes, the Immigration Head.

**The Chairman:** Thank you for that correction.

**Hon. Wayne Caines:** We have debated everything else besides Head 27 within the Ministry.

**The Chairman:** Thank you. Proceed, Minister.

## MINISTRY OF NATIONAL SECURITY

### HEAD 27—DEPARTMENT OF IMMIGRATION

**Hon. Wayne Caines:** Thank you, Mr. Chairman.

The executive summary reads as follows: Notwithstanding the financials contained on the Immigration Department's budget brief, this brief contains highlight of the new border management system, the E-Gates, at the L. F. Wade International Airport; the mixed status family legislation; work permits application efficiencies; online payment procedures; work

permit policy overhauls; and the hierarchical structural changes.

The New Account Funding. As noted on page B-297, the Department of Immigration has been allocated a budget for \$5,504,000 for this fiscal year 2020/21. This budget has increased by \$750,000, which has reflected a 16 per cent increase in comparison with our fiscal financial year of 2019/20.

Mr. Chairman, the material changes in the subjective analysis of the current account estimates as compared with 2019/20 can be found on page B-298. They are as follows: Communications, the estimate increases by 48 per cent, or \$101,000. This is an increased cost linked to the increase in passport processes projected for the upcoming fiscal year, financial year. Rentals estimate increased by \$74,000 in comparison to the original estimate of 2019/20 in column 4. Although the increase seems to be drastic at 308 per cent, it falls in line with the actuals received in the financial year 2018/19, and the revised estimate for 2019/20, ensuring sufficient funds are allocated for the services required.

Repairs and Maintenance. Estimates increase by 87 per cent, or \$380,000. This increase is directly associated with the maintenance and support required to maintain the new border management system throughout the year. Materials and Supplies. This estimate increased by \$94,000 in comparison to the original estimate allocated for 2019/20, to accommodate the costs associated with printing, core services such as work permit cards and letters.

Other Expenses, Mr. Chairman, they increased by 67 per cent, or \$60,000, in comparison with the original estimates allocated for 2019/20 to cover the costs associated with credit card commissions, deportation and other miscellaneous expenses.

Revenue Summary. The revenue summary is aligned, outlined on page 298. The total revenue estimate for 2020/21 is \$23,947,000, an increase of \$2,112,000, or 10 per cent, in comparison with 2019/20. The most material changes are as follows:

Passport issuance estimated revenue has increased by 42 per cent compared to 2019/20. That can be found at column 4. Work permits, or the permits to work and reside, the estimated revenue for 2020/21 has doubled the amount in comparison to 2019/20 by \$816,000, or 108 per cent. Work permits appeals, revenue also increased by \$36,000, and that is the equivalent of 52 per cent from year 2019/20. Residence fees, the estimated revenue increase by \$70,000, or 137 per cent from 2019/20.

Nationality, the estimated revenue increased by \$114,000 compared to 2019/20. The primary reason for the large increase of revenue was contributed to the conservative estimate review for the financial year 2019/20. In 2020/21, the estimated revenue is more in line with the actual revenue collected both previously and in current financial years, in addition to the 5 per cent increase mandated by the Government.

Existing and new capital projects. Mr. Chairman, funds estimated for capital acquisitions for 2019/20 amount to \$2,035,000 and can be found at page C-15. That amount allocated includes \$35,000 that will be allocated for the replacement of office furniture. The amount of \$2 million has been allocated for the purchase of a new border management system to replace the ageing system.

### Highlights for the Key Accomplishments of 2019/20

**Hon. Wayne Caines:** Immigration reform. Meaningful step changes for better efficiencies and processes are afoot in the Department of Immigration. All of these changes are exciting. Specifically, during 2019/20, the following actions occurred:

- emphasise complaints and procedures for reporting breaches against the Bermudian Immigration and Protection Act 1956;
- the staff undertook the work permit application process;
- reduced the vetting timeline for the bulk of application submissions for more than 10 work permit applications submitted by one employer at the same time, and vetting time was reduced from 18 days to 2 days;
- prepared for the change to come under the current border management system. The new border management system will be online at the end of March 2020;
- customer acceptance and testings occurred last month, and key stakeholder training is currently in process;
- engaged stakeholders for the implementation of E-Gate that is currently taking place at the L. F. Wade International Airport; and
- tabled the Immigration and Protection Amendment Act 2020. The primary goal is to deal with repatriation and to address mixed status families.

### New Initiatives

**Hon. Wayne Caines:** As a continuance of immigration reform, we have begun to rewrite the work permit policy to optimise our application forms. To implement and process online payments for applications, we will introduce a pilot programme for employees beginning at the end of March 2020. To review the structure of our department so that the application process for all applications is efficient and quicker. To extend the direct oversight at the executive jet facility.

Recruitment updates. The number of employees required at the department to operate efficiently is outlined on page B-299. There are 44 established full-time posts, of which 5 of these posts are currently vacant. The vacant posts are one corporate service manager, one personnel services manager, one client

services manager, one business systems officer, one customer service representative. Previous incumbents in the [aforementioned] posts have remained for the past eight years. With the vacancies is therefore the requirement to update the job descriptions. This exercise is in train.

In addition to this, we are reviewing shift schedules for our senior immigration inspectors with the aim, as much as possible, of reducing overtime financial payouts. We will take a collaborative approach by engaging the staff and the BPSU [Bermuda Public Services Union].

I would like to thank the dedicated members and staff of the Department of Immigration. I would like to thank the immigration team under the leadership of Dr. Danette Ming, the Chief Immigration Officer; and Ms. Marita Grimes, the newly appointed Chief Immigration Officer; together with Ms. Lauren Sadler-Best of the Attorney General's Chambers; the Board of Immigration, headed by Ms. Renee Ming, JP MP; and the Immigration Appeals Tribunal, headed by Mr. Charles Richardson.

Finally, I would also like to thank Mr. Ron Michel-Davis, Ms. Darlene Smith and Ms. Jannell Burgess, and their respective teams, as well as the Collector of Customs, Ms. Lucinda Pearman, and her airport team for administering the airport border control on behalf of Immigration. Also thanks to IDT (Information and Digital Technology) Office for their timely assistance in assuring that our systems are operable, particularly at the L. F. Wade International Airport.

The IDT Office and the Bermuda Airport Authority, especially, Mr. James Campbell, are to be commended for working tirelessly with the department in respect of the new border management systems and E-Gate. [Without] these dedicated agencies, the work of the Department of Immigration may have been delayed or difficult. Thank you, Mr. Chairman.

**The Chairman:** Are there any other speakers?

I recognise the Honourable Sylvan Richards, [constituency] 7.

**Mr. Sylvan D. Richards, Jr.:** Thank you, Mr. Chairman.

I just made a comment to my colleague, MP Simons, that this is probably a record for the quickest brief ever read during the Budget Debate.

*[Inaudible interjection]*

**Mr. Sylvan D. Richards, Jr.:** I appreciate that.

*[Laughter]*

**The Chairman:** Honourable Member, just the facts. Honourable Member, let me clarify. I have just been advised that the whole debate is three hours.

**Mr. Sylvan D. Richards, Jr.:** Yes, I understand that.

**The Chairman:** Not five.

**Mr. Sylvan D. Richards, Jr.:** Yes, I understand that.

So I want to thank the Minister for that. I can probably safely say that this debate is not going to last three hours. So I am going to put that out there now for the listening public. But I do have some questions. I want to thank the Minister for providing his brief in advance. This was very helpful because it enabled me to scratch approximately five or six questions off of the prepared list that I had. So without further ado I will jump right into my questions.

I did note on page A-3 of the Budget Book that the current account revenue estimate of 2020/21 is projected to increase by 10 per cent, or \$2.1 million, to \$23.9 million. I also took note on page A-6, and also it is on page B-298, current account expenditure of the Budget Book, that for 2020/21 the current account expenditure is projected to increase by \$750,000, or 16 per cent, to \$5.5 million. Referring to page A-10 of the Budget Book, capital account expenditure for 2020/21 is projected to increase by \$108,000, or 5.6 per cent, to just over \$2 million. My question is, What specifically accounts for this increase in capital spend?

I have also made note that on page A-12, the number of full-time equivalents for 2020/21 will be 44 full-time equivalents, which is a reduction of 6 FTEs, or full-time equivalents.

I am moving now to page B-298 of the Budget Book, current account expenditure. I noted that salaries basically will remain flat. Now, on page 3 of the budget brief—so I am going to go to page 3 of the budget brief. And I am referring specifically to communications. So it is basically, “Communications for 2020/21 are estimated to increase by 48 per cent, or \$101,000, to \$310,000.” My question is, Is the increase cost of passport processing the result of an increase in the number of passports being processed? Or will it be an increase in the cost to process each passport? I will read that again: Is the increased cost of passport processing the result of an increase in the number of passports being processed or [an] increase in the cost to process each passport? If I can get some clarity on that.

My second question referring to Professional Services, also on page B-298, for 2020/21 are estimated to increase by 7 per cent to \$169,000. I would like to get a description from the Minister of what these professional services entail.

Also on page B-298, under the Revenue Summary, referring specifically to programme 8285, Work Permits, work and reside. That is the category. Work Permits, work and reside, in 2020/21 are estimated to increase by, it works out to be 108 per cent, to \$1.6 million. I would like to know what is the primary driver for this increase?

Also on page B-298, Revenue Summary, line item 8286, work permit appeals are estimated to increase by 52 per cent to \$105,000. My question is, I would like to know why are the revenues from work permit appeals projected to increase? For example, is an increased number of declinations of work permits anticipated in the upcoming year? If that is not the reason, then I would like to get some clarity on that.

Referring to line item 8293, Residencies are estimated in 2020/21 to increase by 137 per cent to \$121,000. I would like to know what is anticipated which will yield this result.

Moving along, line item 8299, Nationality, revenue is estimated to increase by 175 per cent to \$179,000. My question again, I would like to have some clarity on what is driving this increase, this projected increase?

Line item 8881, Revenue as the Result of Penalties are projected to increase by 129 per cent to \$80,000. If the Minister could, I would like for him to provide a description of what the penalties and fines are for various work permit violations. If he could add some colour around that.

And then I have a question that came up as the result of the Minister's providing his brief in advance. And once again I thank him for that. Line item 8291, Land Acquisition Fees. So my question is, When I look at page 5 of the brief, there are a number of line items which are outlined. And the reason given for the targets . . . and this is in the Minister's brief on page 5. I will read it. It says, “The primary reason for the large increases of revenue was contributed to conservative estimated revenue for financial year 2019/2020.” Then it goes on to say, “2020/21 estimated revenue is more in line with the actual revenue collected both the previous and current financial years, in addition to the 5 per cent increase mandated by Government.” So basically that is saying that the actual revenues were more accurate than the originals.

So my question when it comes to line item 8291, Land Acquisition Fees, is: The land acquisition fees for 2020/21 are estimated at \$5.5 million. The 2019/20 original estimate is also \$5.5 million. However, the 2019/20 actual revenue figure was \$3.4 million, which is less, obviously, which is a \$2.1 million difference. So my question is, based on the logic for the other line items, why does the Government believe that it can collect \$5.5 million for this line item when the actual 2019/20 figure was \$3.4 million? So taking a quick look at it, it looks like that \$5.5 million might be a bit aggressive in terms of achieving that result.

So moving on to page B—

*[Inaudible interjection]*

**Mr. Sylvan D. Richards, Jr.:** Okay. So the \$5.5 million which is the 2020/21 estimate is the same figure as the 2019/20 original estimate of \$5.5 million. How-



ever, the 2019/20 actual revenue figure is \$3.4 [million].

*[Inaudible interjection]*

**Mr. Sylvan D. Richards, Jr.:** I am sorry. Programme 8291, Land Acquisition Fees. So go to page B-298.

*[Inaudible interjection]*

**Mr. Sylvan D. Richards, Jr.:** Okay. You can respond. You can respond. You understand the question, though?

*[Inaudible interjection]*

**Mr. Sylvan D. Richards, Jr.:** Okay, okay, okay. No worries. I understand it is still early. I do not wake up until about one o'clock in the afternoon anyway. I am just saying I am not a morning person *at all*.

All right. So moving along to page B-300 of the Budget Book, Performance Measures, and I am referring to (let me turn to that page) business unit 37010, Corporate Services, which was a new performance measure. This performance measure aims to measure the percentage reduction of customer inquiries for application updates in the Corporate Services Section of the work permit application process. What I have noticed is that the 2020/21 target outcome is 100 per cent. I am curious how this target outcome will be achieved. What will be done differently from the past to achieve this outcome?

Then I have a general question for the Minister and his technical advisors. Does Bermuda's Immigration Department benchmark Bermuda's performance measures with similarly sized jurisdictions such as the Caymans to compare our outcomes with theirs? I ask that question because we are in a competitive environment. We are competing with other jurisdictions for business. And what the permit approval process is going to be is, and [what it is now], is very important, so I am curious how Bermuda measures up to our competitors of similar size in terms of work permit turnaround.

Staying on page B-300 of the Budget Book, looking at business unit 37020, Personal Services. So it states there, in the first column, that the percentage of administrative tasks automated for resident type applications, Bermuda status, permitted residence certificates, the 2020/21 target outcome for this performance measure is 25 per cent. My question is, Are there any plans to increase the percentage of this performance measure? And if so, please provide a description of these plans. This is also a new performance measure which is being implemented this year.

Under the same business unit, 37020, Personal Services, I have noted that the average process time for passport issuance days . . . let me repeat that. The average process time passport issuance days

has a 2020/21 target outcome of four to six weeks. My question is (and it is indirectly related to this), Has any progress been made in having the GBR code that is in the new passports changed back to the old code? I believe it was BDA *[sic]*; I might be mistaken.

*[Inaudible interjection]*

**Mr. Sylvan D. Richards, Jr.:** BMU. Right. Thank you, thank you for that clarification.

As we all know, that GBR code is still causing confusion for Bermudian travellers. I am curious if any work has been done and if there are any ongoing negotiations to get their code changed back to GBR. Or are we stuck with it from now until eternity? Because there definitely seems to be some reluctance on the part of the Brits to do something about that.

Moving on to page B-301, business unit 37030, Compliance. The first column there says the percentage of passengers and employees satisfied with the new border management system (that is what it is measuring) . . . the 2020/21 target outcome is 80 per cent. I am curious, how will that metric be measured? I know it is easy to measure the employees; but is there some type of survey which will be given to the passengers coming through our brand-new airport that will measure their satisfaction? So I would like to get some comments on that.

The same business unit, Compliance, third column down under that heading it says that the average process time investigating illegal workers. It says that the 2020/21 target outcome is three to six months. Now, I am no expert, but this appears to be an inordinate amount of time, especially in a place the size of Bermuda where people know everybody and people know who is working outside of their work permit remit. Three to six months seems a bit long to me.

So I would like to get a description from the Minister, of the various steps involved in an investigation. Obviously, it is going to start with a phone call through the department. I know the Immigration Department is giving them special attention. I would like to get some background on what happens after that phone call is made. Is an immigration officer sent out to the site? Do they meet with the employer? Do they talk to other employees? I think the public would like to know what that looks like.

And then (and this is going to be my last question), also on page B-301, business unit 37040, Finance and Administration. It is down at the bottom of the page there, the number of key positions identified which require a succession plan. The target outcome is two positions. I would like to get a description of these positions, and I would also like to know whether these posts are able to be filled internally. And if not, why not?

Thank you, Mr. Chairman.

**The Chairman:** Thank you, Member.

Any further speakers?

I recognise the Honourable Member Gordon-Pamplin.

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

Mr. Chairman, I would like to invite the Honourable Member to look at page B-298 (and you, Mr. Chairman), in respect of [programme] 8291 on the Land Acquisitions Fees, the revenue source. And my honourable colleague did ask the question whether the \$5,500,000 was aggressive. But when we look at the Minister's explanation that the upticks in some of the estimates for 2020/21 were in accordance with the actuals and revisions for 2018/19 and 2019/20, that number does not tie. It does not tie from the perspective that those land acquisition fees were \$5.5 million original; they were \$2.783 million in 2018/19; they were \$3.44 million in 2019/20, which means that 2019/20 revision is nowhere close to the \$5.5 million that they thought that they were going to get in 2019/20. And now they are saying that they are still going to get \$5.5 million.

So the question to that is, What particular acquisitions are they anticipating, whether there is some particular increase of either application numbers or a particular size estate or anything like that that they maybe did not get? Maybe they anticipated it in 2019/20. It did not come through, and that revenue is therefore being pushed forward to 2020/21, because these numbers are not congruent, one with the other, in terms of what is happening in the prior years, which is the explanation that the Minister gave for the uptick.

So I just want to make sure that we understand that the uptick, that the explanation given for the uptick makes sense. Because right now I cannot tie those numbers.

The other question that I have is, in terms of the work and reside under 8285. Can the Minister give us some indication as to how many work permits are being processed? I am not asking how many are in existence, because that number would be available through the statistical exhibits that we would have with the budget, in the Budget Book. But I am curious to know, what are you anticipating? What numbers of work permits are you anticipating coming through that would give rise to supporting the \$1.575 million that is showing here?

I also would like to refer to page C-15 in respect of capital acquisitions. And this is under business unit 76740, the Business Control Systems. And the Minister indicated that this had to do with E-Gate. And I certainly understand that. There are \$2 million that have been apportioned for the 2020/21 budget. But there was a revised estimate of \$1.727 million for last year, and the question that I have is, Has that \$1.727 million been spent already, and the \$2 million is going to be more money that is spent? This is on

page C-15. I just want to make sure that we are dealing with new expenditure that we are anticipating. And if that is the case, where do we stand? What is the progress that we have made thus far in terms of implementing the machinery that is required for the E-Gate processing?

The other question is, Will that E-Gate processing include just local passports? Or will they be able to be adaptable to have people scanning other passports coming through that system? I am just curious whether . . . and, if so, I mean, I know under certain circumstances you can swipe your Bermuda passport going through a US airport. But some passports, some countries' passports do not scan. So I am just curious as to what the reach will be for our E-Gate system in terms of how people coming through it will be able to swipe and make their access to a country a little bit easier.

The Honourable Member did ask the question, but I just needed to underscore this in my mind in terms of communications on page B-298 and the subjective analysis of expenditure. And that is, we had a \$229,000 actual for 2018/19. We budgeted 209,[000]. We are now budgeted 310,[000]. But the revised last year was 213,[000]. So the numbers are still much further away from each other than one would anticipate a revised budget to an actual to an estimated budget. So that 310, as against the 209 or the 213, needs some help with explanation.

And I think also to underscore, I believe my colleague asked the question, but I did not make a note of it if he did, in respect of R&M, where we only had a 300 revised and we are putting 819 in for this present year.

The other question that I have is in respect of the output measures. And this is on page B-301, the average process time investigating an illegal worker. What is the experience that we have had? Sorry . . . this is under business unit 37030, Compliance. What is the history that we have on this for the last two years in terms of the numbers of illegal workers who have been investigated? And how have the investigations tied in to people calling in and advising the department that something might be askew in terms of their observations of either people or job sites or whatever; something might not be quite right?

So I am just curious as to what that situation is. How many are we dealing with, on average? It is fine to say that we are taking three to six months. And certainly, I can mention, Mr. Chairman, that I actually sat in this position. So I am fully aware of some of the challenges that come through. But I just think that just as an update, it would be interesting to know exactly where we stand in that regard.

And the other thing that I am looking at is e-certificates, which are the ex-spouses' rights certificates. And this is on page B-300 under Personal Services. These certificates are on average two to three months to process. And that is . . . I am just wondering, what

is the backlog that exists in that particular area? And if the Minister could also indicate whether . . .

I guess the definitive question there is, What is the backlog that we have in processing these? And it is only just because of questions that have come where people have actually been waiting. I have said to them that these are things that take time. The investigations take time. And you have to be patient. But my question is, How reasonable is it for somebody to have a reasonable expectation that once they get to three months . . . because the one thing about e-certs is that there could be a possibility of hardship for families when you have these ex-spouses, when it comes to their being able to work to support the children of the Bermudian family that they have created. And therefore, you want to make sure that if they are going to be allowed to stay on Island, that clearly they need to be processed as expeditiously as possible.

And the other question that I have is . . . my honourable colleague asked the question with respect to passport processing and also the status of BMU versus GBR on the passports. But what we heard in this Honourable House, I believe, probably . . . I did not have the opportunity to go to the Hansard, but we did hear that the Premier indicated in the last Premier's Questions (not last weekend, but the time before) that there was a process in place that the UK wanted \$1 million for us to be able to take back the processing of passports locally.

That number, obviously, was untenable. Certainly I do not believe that either Government nor . . . certainly we in Opposition would *not* support paying for something that we had [but] was taken away from us when we had no input. And then to pay to get it back seems to be a nonsense.

But with that said, is there any belief that going forward, if we should be able to have the passports, is there any provision to be able to purchase supplies? We would have to have a stack of new passports. If our plan comes through that we are able to take back over the processing of our own passports, what would be . . . You know, I do not see that there is particularly any money set aside for buying additional stocks of passports. And if such is the case, what would be our access to the biometric-type passport information which seems to be a requirement internationally?

Those would be my questions.

**The Chairman:** Thank you, Honourable Member.  
Any further speakers?  
If not, I call on the Minister.

[Pause]

**The Chairman:** If I can just enlighten the listening audience, we are continuing in Committee of Supply for further consideration of the Estimates of Revenue

and Expenditure for the year 2020/21. And we are on Head 27 with a three-hour debate time limit.

Minister, are you . . .

**Hon. Wayne Caines:** Mr. Chairman, we are . . . the technical officers are still compiling their answers.

**The Chairman:** The responses?

**Hon. Wayne Caines:** There were 25 to 30 questions that were asked. The team is in the back just literally compiling some of these answers now. I just crave your indulgence as they are literally putting the final touches on the answers to my honourable colleagues' questions.

**The Chairman:** Thank you for that. I will take a brief break.

[Pause]

**Hon. Wayne Caines:** The question with reference to line item 8285, Work Permits, work to reside, that line item relates to the work permit holders who may request permission to seek alternative employment in Bermuda.

Line item 8286—

**The Chairman:** Can you refer to the page as well, if you have it?

**Hon. Wayne Caines:** Page B-298.

**The Chairman:** Thank you. Thank you.

**Hon. Wayne Caines:** Line item on page B-298, line item 8285, Work Permits, work to reside. This line item relates to work permit holders who may request permission to seek alternative employment in Bermuda.

Page B-298, line 8286, Work Permits, appeals, this line item relates to appeals directly to the Minister, usually for work permit review.

Page B-298, line item 8881, Penalties—penalties are usually issued as civil penalties, starting at \$5,000. Penalties can jump up to \$10,000 for the second or subsequent breaches by employers and persons, within seven years. Employers can be fined by employing a person to work without a permit or having a person work outside the scope of their work permit. Persons can be fined for working without a work permit or again for working outside the scope of their permit.

With reference, Mr. Chairman, to the question by the Learned Member Gordon-Pamplin, who asked the question with reference to the passports, most recently I travelled in November to the United Kingdom and met with the officials from the Foreign and Commonwealth Office, Her Majesty's Passport Office,

and with the overseas representative of Bermuda. They shared with us what they believe would have been a significant scenario for Bermudians to pay for the administration of the passports. And two things that they shared, that it would be over \$1 million to have the passports repatriated to Bermuda, for the fixing of the passports to Bermuda, and going from the GBR code to the BMU code.

And the next challenge that we had was the time continuum. The time continuum was that they could do it, but it will be in July or in the spring of 2021. We shared with them that there were significant challenges around both of those considerations. And so they said that they would take it under advisement. The MP (her name escapes me right now, Mr. Chairman) said she would take this back to her colleagues and share with them that Bermuda indeed had a problem (1) with the length of time it would take to repatriate the processing of the passports to Bermuda; and (2) the cost of \$1 million. We believe that it was cost prohibitive for us to take something that cost us nothing and was taken to the UK, to say, *You can indeed have it back*. And we asked why?

They shared with us that it was just not an arbitrary number that was plucked indeed out the ether. They shared with us that it was now a much more complicated process—holograms, specific codings, biometrics that were now being embedded in the process. And so they shared, based on economies of scale, you can do it for a large region like in England, and that equipment is based on economies of scale. To do all of that to have the passports with all of the biometrics embedded, to have all of the information that is embedded; you still need that level of equipment to do so in Bermuda. And that there was not just a cost to do it in Bermuda; the science behind the passports, the biometrics embedded in the kit to get all of those passports, to get (my word is *paper*; it is not actually paper) the specialised paper for the passports.

When you put all of those together, that amalgam of intelligence, the amalgam of the security, putting all those things, getting the kit into Bermuda, using the software, all of those things together, that is how the cost . . . they have said to us that is why the cost was voluminous. We shared with them that if you are looking at a number of other jurisdictions and scaling, we believe that this cost was still exceedingly high. We were told that if we investigated more, that they had an election in England and that we can have the discussion directly after the election.

Directly after the election, we went back to recommence talks. They said to us, *Listen. We have to do this after Brexit, because that is our most important focus—after Brexit*. We went in after Brexit. And guess what has happened now, Mr. Chairman?

**The Chairman:** Could you tell us?

**Hon. Wayne Caines:** We have the COVID-19 challenge that we are facing now. And everyone has said, *Listen . . .* and so passports for a very small country in the middle of the Atlantic Ocean is really significant to us; it obviously has paled on the list of importance to everyone else.

And so what we are doing is we are going to continue these talks. It is a matter of priority. To my colleague, Ms. Gordon-Pamplin, it is a priority to us and is something that we have to push. And we will recommence talks with the relevant stakeholders in England, as we know it is important. And to my colleague, Mr. Richards, as well.

**The Chairman:** Do you have further answers, Minister?

**Hon. Wayne Caines:** I am seeking your leave just to make a quick . . .

[Pause]

**The Chairman:** For the listening radio audience, the Minister is still collecting answers to the questions that were presented under Head 27.

[Pause]

**The Chairman:** I recognise the Honourable Member Gordon-Pamplin in the meantime.

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

Mr. Chairman, while the Minister is getting some answers, I just have another real quick question in respect of performance measures. And this is in respect of Corporate Services, under business unit 37010 on page B-300. It is at the top of the page. And the Minister has indicated that this is a new measure, a new targeted outcome, the number of days for the vetting steps of bulk work permit applications, two working days.

I wonder if the Minister could just take us through what the actual steps are in respect of this process, only from the point of view that if you have got major hotels and whoever, this is where you are going to get bulk. You are going to get seasonal. You are going to get a significant number of applications which will come through at the same time. By the same token, there is the necessity to vet the applicants to ensure that we do not have adequate Bermudian applicants for those positions.

We also need to have the time to liaise between Workforce Development and the Ministry to make sure that there is nobody on the job board or whatever who has the necessary skills to fill those positions before the actual permits are being given.

So I wonder if the Minister could just give us some indication as to what the new process is that

would cut that time down to two working days, to ensure that we are not overlooking what our Bermudian employees, prospective employees might be subjected to.

**The Chairman:** Thank you.

I now recognise the Minister again.

**Hon. Wayne Caines:** Page B-301, the question was asked: How long does it take . . . the question was asked on page B-301, [where it says] that it took a compliance officer . . . that it took between three to six months to do an investigation. The question by the Honourable Member was that this seems like an inordinate amount of time for an investigation. Why does it take three to six months to do an investigation if there is an allegation that a person is an illegal worker or working outside of their work permit?

This is the answer, Mr. Chairman. The process for investigating an illegal worker entails the following: A general investigation is the first step to determine whether there is sufficient information to advance onto a full-scope investigation. During the preliminary work by the Compliance Section, consideration is also given as to whether or not the case is applicable for civil penalties. The performance measure of three to six months is sufficient because it allows the coordination of interviews, caution statements, recommendation to the Minister for punitive measures or not—i.e., the ability for a person to continue in Bermuda to work or a directive to settle their affairs and depart Bermuda.

Civil penalties take a second road and are considered by the Chief Immigration Officer. The performance measure also accounts for staffing levels. As you know, the Compliance Section splits its duty between Hamilton, the Headquarters, and the airport. On average, the Compliance Section undertakes to investigate approximately 125 complaints a year.

Mr. Chairman, if you can just imagine this. If you are company A and somebody alleges that a person is working outside of your work permit, you have to do a series of investigations. You have to compile the report. You have to take caution statements. And this actually takes a period of time. And so we are saying three to six months. Clearly, that is a long period of time, and it seems like it is an inordinate amount of time.

Another consideration is that we are looking at the same staff who are used at the airport to man the airport. Yes. And so when we are talking about a department that has a limited amount of staff, this year the people of Bermuda have said, *Listen. Something that is important to us, we want to make sure that Bermudians are given a place of primacy in their country.* And that is something that this Government has made as a priority. And with the email address that has come forward, with the telephone number that has been given to the public, with the ability to

understand that there is an opportunity for you to say, *There are people who I think are working outside . . .* we have seen approximately 125 complaints this year.

They have done an amalgam of these complaints, and that is how we get the time. There is an opportunity for them to go to a robust process where people are brought in, where they are interviewed. And this process lasts up to from three to six months.

[Pause]

**The Chairman:** Do you have further responses, Minister?

**Hon. Wayne Caines:** Still waiting.

[Pause]

**Hon. Wayne Caines:** With reference, Mr. Chairman, to the process that the Learned Member Gordon-Pamplin spoke about, the process with the work permit process, that was a process that we had KPMG, they were invited into the department, and they met with the staff for over a period of just over a year.

First, let us go back a minute. This was funded by Business Bermuda by international businesses. They put approximately \$500,000 into this process. And so the first phase of this was for the team to understand where were the lacunas and where were the doubters, as there is no formal or computerised system of doing this. So you are company A. You have a file. Those files are actually vetted formally by people in the staff. And that means if there are people calling from the Job Board, they have to call, get all the information from the Job Board, affix that to the file. If there are people who are doing general applications, everyone, if there are 20 Bermudians who are there in that process, the 20 Bermudians have to be called. If there are objections to that process, the objections have to be put on that process.

So the file is a gigantic file that was put together for each employee. So during accounting season, it is renewal season. Or if it is during the season in the hotel where we are going into the pre-tourist season, certain elements will see where there is a gigantic uptick in applications. And so you will see when in the reinsurance companies are going into their high period where a number of files will be coming in and everyone is saying, *Hurry up! We need these files.* And the department with limited resources, and everyone having to vet this file, vet the files . . . it was actually becoming labour intensive.

And so we went in. And there was a huge backlog. And everyone was saying, *One of the biggest problems that we are having with immigration outside of the mixed status families and outside of the PRCs is the actual processes and procedures with Immigration.* What we went in with was a process of streamlining that process. The process, when KPMG



er one of the gateway cities, after this process of the COVID virus dies down a bit, you tap your passport on the gate and you walk out. We will have that facility for Bermuda. That facility, when the airport opens we will be able to do it. In the first instance, it will be Bermuda passports. It is a move in three to four months. Subsequent to that, we will be able to do UK, Canada and the United States of America [passports] as well.

**The Chairman:** Thank you, Minister.

I recognise the Honourable Gordon-Pamplin.

**Hon. Patricia J. Gordon-Pamplin:** Thank you.

Can I just ask for a matter of clarity with the Minister's explanation, because I know that I have gone through . . . as I mentioned before, I did sit in that seat. And I went through some of the painstaking steps of the vetting process. The Minister is indicating a two-day targeted outcome. So is this the two-day targeted outcome post digitisation? Or are we there now in terms of being able to say that it is taking two days for the process? And that is question one.

And then question two: The percentage reduction on the same page, B-300, under the same Corporate Services, the percentage reduction of customer inquiries for application updates in the Corporate Services Section or work permit application processes. And he wants to try and eliminate that, by the looks of it. You want it reduced by 100 per cent, the number of customer inquiries.

And I think that if people know that they have a two or . . . they will probably think in their minds maybe five days. And if they have it back within that period of time, then there would be no necessity to call. So I understand where the measure would come in. But the question then becomes, What is the actual communication process? Because we are dealing with limited numbers of people doing the work. So what would be the communication process between the actual completion of the application to say, Yes, *it's good to go* and [then] communicating with the applicants to say that this permit has been approved so that they do not have to call?

**The Chairman:** Minister.

**Hon. Wayne Caines:** So, Mr. Chairman, and thank you for that question because obviously dealing with somebody who knows the process much better than I do, I have to make sure that my i's are dotted and my t's are indeed crossed.

The process, Mr. Chairman, if you can just obviously proverbially close your eyes with me for a second, the process in the end is for us to have a digitised system that will have a sugar or an automated system in the beginning. So when you do an online application, you actually can go to the next phase of the application online until you have completed everything. When you get a successful application, you will

get an automatic notification in the beginning that your application was successfully entered. And when the process is vetted, in the end, in our final state, you will get an automated notification telling you that the application has been completed.

It will have some determined periods when you can go online through a portal and at every stage of the process see where your application is during that process. That is our end state. And if we were to tell you where our end state is going to be, that is where we believe the end state should be, and that is what we are working towards.

Our beginning state was a room filled with files where dedicated staff were going around those files in a room full of files trying to fix that. Where we are now is that we have a process where we are taking it from 80 to 2 days. What happens now, the staff through email, through telephone calls, are notifying key stakeholders. We did the pilot programmes and the pilot schemes. And when we had the companies that were doing the pilot programmes through this notification process, to say that they were blown away is the understatement of the year.

We took a company that has a number of work permits. And when we were able to go through the vetting process we sat in the room as a team and we went through this process. And at the end, we saw processes. So if we follow this process now, we believe that we can take a process, on average, and decrease that time scale significantly to two days.

I do not believe we will hit the two-day mark every time because sometimes you have matches that require some more calls. I do believe, though, as we progress to the digitisation portion that you will automatically know where your application is.

Employers will see that the days of the 40-day wait are over. The days of the 40-day wait, where we were a year ago, 40- and 60-day wait—not for the decision, for the vetting part—those days are over. We believe we will have further to go. I am confident that Dr. Ming and her team are fastidious in their desire to make this move forward. There are some things that they can only do so much. We obviously need the budget to make the digitisation process take place.

This year—

*[Inaudible interjection]*

**Hon. Wayne Caines:** Exactly.

This year we saw \$2 million go towards the E-Gate at the airport. We believe having an E-Gate at the airport is actually really important for our egress out of the airport.

Mr. Chairman, if you would just allow me to go to get some more questions?

*[Pause]*

**ANNOUNCEMENT BY THE CHAIRMAN****HOUSE VISITORS**

**The Chairman:** Continue.

While you are looking, I will take the opportunity to recognise in the Chamber the former MP Arthur Hodgson. I also see some Members from the Senate, in fact, the Leader of the Opposition Robinson.

Thank you very much.

*[Committee of Supply, Ministry of National Security, Head 27, Department of Immigration debate, continuing]*

**The Chairman:** Minister, you can proceed.

**Hon. Wayne Caines:** Question: Does the Immigration Department benchmark performance against other jurisdictions in light of the fierce competition from other jurisdictions?

The answer: As part of the improvement process, work performed during 2019 included the department reviewing the process for other jurisdictions such as Canada, the Caymans, Singapore and China. Basic information reviewed included the type of work permits, the overall regime in place, processing times and application fees, policies, submission templates and whether there was formal governance in place over the entire immigration process.

All of this information was used to assist in making recommendations to streamline our process. This work is still underway in 2020.

Our reworking . . . we are currently reworking the entire workflow that is necessary within our department prior to the automation process. This is a difficult process, and hundreds of manhours have been used in this process so far. Benchmarking is the only aspect of the process. We expect to introduce better benchmarks with shorter turnaround times and processing some re-engineered processes in the future.

What is driving the increase . . . I answered that. Performance measures. Does the Bermuda Immigration Department benchmark its performance . . . I just answered that. And I just answered that.

How is passenger satisfaction being captured? Will there be customer surveys? We will conduct customer surveys.

Succession planning. What is the description of these plans, and can they be filled internally? Guided by training at the Department of Human Resources, the Chief Immigration Officer has identified hard-to-fill positions within the Department of Immigration. The two positions are client services officers in the Personnel Services Section. One position focuses on travel documents and the land applications, and the other position focuses on residency.

**The Chairman:** Are there any further speakers? Minister, do you have other responses?

**Hon. Wayne Caines:** Just waiting for an email to come through.

*[Pause]*

**ANNOUNCEMENT BY THE CHAIRMAN****HOUSE VISITOR**

**The Chairman:** Okay. I do not know if there is any intent to our numbers here today. But I see another Senator, Senator Jardine, in the Gallery.

*[Committee of Supply, Ministry of National Security, Head 27, Department of Immigration debate, continuing]*

**The Chairman:** I recognise the Honourable Gordon-Pamplin.

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

Mr. Chairman, I wonder if the Minister could also indicate . . . I know he is indicating that the workload and the backlogs existing in the department have been . . . they have done a really good job in catching up. I wonder if the Minister could give us an indication by category as to what is outstanding there. I know that at one point in time we used to get reports. And they would not do it now because the systems have changed.

But just an idea that says if you have got work permits, you have got e-certs, you have got status, you have got PRCs, you have got all these various types of applications. And then we would say, *How many new ones came in during the course of the week? And how many have been processed? And therefore, how many are outstanding?*

So I wonder if we could get some indication as to what outstanding items that we have as we speak, or as recently as possible, so that we have some indication as to where we are? I know the day-to-day processes are fine. But some of the other things, extraordinary things like land licences and stuff like that, which take a different level of interrogation and investigation in order to complete . . . I just wonder where we are in terms of what we have outstanding in those areas, categories.

**The Chairman:** Thank you, Member.  
I recognise the Minister.

**Hon. Wayne Caines:** You will get those answers. The team, as we are talking, the team are in the Immigration Department responding to these questions.



As you can see, Mr. Chairman, my technical team is actually in the room working, beaver away with responding to these questions.

Just as an aside, the Immigration Department understands that we have had two resignations in the last few months in positions. As you can see, some of these posts have to be graded and go through management services. So most people would simply say, if you are listening, *Well, we can just go out and hire someone tomorrow*. It is actually not that simple within the civil service. You heard from the Minister today, we are looking at the civil service has some restrictions. And we have to go through a process for posts to be regraded.

*[Inaudible interjection]*

**Hon. Wayne Caines:** And so you just hear somebody say, *Well, there are tons of people in Bermuda who need work! Just go out and grab two warm bodies and bring them into the department*. This is actually a specialised area. The Chief Immigration Officer actually knows what the department needs. She has a plan. She is going through the Department of Management Services. They are going through a process to look at the job descriptions. Those job descriptions have to be regraded to come with the 2020 [description], what that looks like. And that is something that we realise that we have to accelerate.

What does this do? This means that the team are juggling with more than one hand at the moment. And we believe one of the reasons why the processes and streamlining the processes are so important is that it actually will allow our team to focus on some other elements.

The question that was asked, Corporate Services at [page] B-300, business unit 37010, performance measures. The number of days for bulk vetting of work permit applications is at two days. Can the Minister walk us through the process?

The vetting process is time intensive because of duplication of information requested, and it has to be reviewed. The applications were split between a number of persons and sent to each person for their approval. This process was bifurcated and piecemeal. This lends itself to duplication of effort and duplication of work, and a significant amount of rework and wasted time and process delays. Additionally, it is an iterative process of requesting, reviewing and re-requesting information that was occurring through this process and increased the time for turning around work permit applications.

The new process has 100 per cent of the same rigour for vetting and looking and ensuring that all of the key bases are covered, and ensures the rigour required for the employee to reformat and resubmit the information in a different and more streamlined process.

*[Pause]*

**The Chairman:** Minister, you have more questions coming.

I recognise the Honourable Gordon-Pamplin.

**Hon. Patricia J. Gordon-Pamplin:** Thank you, thank you.

Mr. Chairman, I recognise the difficulty in terms of getting all of the responses. And since we are sort of very close onto the lunchtime break, I wonder if it is possible if the Minister would agree that we could maybe break a little early, and then they can seek the responses? We will not have many more questions after the fact. So if we can have the responses prepared and compiled over the lunchbreak, and then once we come back we can have it all done and dusted, I think that would be a more efficient use of everybody's time.

**The Chairman:** Minister?

**Hon. Wayne Caines:** I have seen some collaborative efforts in this space. We are most grateful to my colleagues.

**The Chairman:** Can someone take us to lunch, please?

*[Inaudible interjections]*

**Hon. Wayne Caines:** Mr. Chairman, I move that the House now adjourn for lunch.

**The Chairman:** Members, it has been moved that the House now adjourn for lunch. And we will return at two o'clock.

*[Gavel]*

**Proceedings suspended at 12:24 pm**

**Proceedings resumed at 2:04 pm**

*[Mr. Rolfe Commissioning, Chairman]*

**Hon. Wayne Caines:** I apologise, Mr. Chairman, we just completed a meeting of the Emergency Measures Organisation [EMO] and it just went a little longer than we had planned.

I apologise for my tardiness, sir.

## **COMMITTEE OF SUPPLY**

### **ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 2020/21**

## MINISTRY OF NATIONAL SECURITY

### HEAD 27—DEPARTMENT OF IMMIGRATION

*[Continuation thereof]*

**The Chairman:** For the benefit of the listening audience, we are continuing in the Committee of Supply for further consideration of the Estimates of Revenue and Expenditure for the year 2020/21.

Head [27] is now being debated and I call on the Minister in charge to proceed.

Minister, you have the floor.

**Hon. Wayne Caines:** Thank you, Mr. Chairman.

Mr. Chairman, the question is, Please explain the increase in capital spending. This is explained in the budget brief. The increase relates to replacement of office furniture and the new border management system. The new border management system was just over \$2 million.

The current account expenditure in Communications—this is at [page] B-298—is the increased cost of the passport processing due to the increased number of passports or the cost of processing the passports? Yes. And it is based on the variation between the original cost estimate for 2019/20 compared with the revised estimate for the same period. The increased estimate for 2020/21 also accounts for the circumstances where a passport is lost or stolen or the need for BOTC Bermuda Passport holders to obtain a new passport due to the expiration during the new fiscal [year] or of an existing passport.

Professional services. What do Professional Services entail? Professional services relate to passport processes and payment to WorldReach, Her Majesty's Passport Office, and to courier fees.

Revenue. What is driving the increase in work permit fees? This is not answered. Why, under revenue summary for work permits appeals, are the revenues expected to increase? Appeals to the Minister are often a result after the refusal of an application. As such, we do not expect that in 2020/21 all the applications will be approved, hence, the increase in revenues for appeals.

Residence fees. What is driving the increase in residency fees? Answer: Residence fees include applications to reside only, to reside and to attend school, ex-spouse employment rights, spousal letters, dependent re-entry letters; as such, we think the combination of these applications will continue.

Page 5 of the brief speaks to the conservative estimates in the past, 8291 Land Acquisition Fees are estimated at \$5.5 million, the actual for 2019/20 is \$3.4 million. Why does the Government believe that it can achieve the \$5.5 million in the budget estimate? Answer: The fees were increased in keeping with the 2019/20 original estimate.

Does the Bermuda Immigration Department benchmark its performance based on other jurisdictions in light of the fierce competition? No. With the recent modifications and the listings of performance measures we seek to make improvements in this area. This would include benchmarking against other jurisdictions, but we must be sure that the jurisdiction is closely aligned with the processes that we have in Bermuda. Perhaps, rather than do benchmarking performance measures, it would be better to benchmark against processing applications for efficiencies where the Bermuda Immigration Department can further streamline all of its application processes.

Personal service advice and administration staff. The target output is 25 per cent. Is there a plan to increase this performance? If so, provide the plans. Answer: The 25 per cent performance measure is conservative because of the breadth of the work that is required to automate the application processes for residency-type applications. Currently, almost 100 per cent of the application process is manual in nature. There will be a plan to fully automate the process. This is conditional upon how we achieve the target of 25 per cent.

The next question was: Has any progress been made in the [GBD] passport code to bring it back to BMU? That has already been answered.

How is passenger satisfaction being captured? Will there be some customer survey? We will conduct customer surveys.

Question: Why is the Compliance section from three to six months, that seems like an inordinate amount of time? Please provide some background. This question has been answered.

Succession planning. What [are the] descriptions of these plans and can they be filled internally? In other words, there has been a description of some employment opportunities in the Department of Immigration, what are the plans to fill these . . . are there any plans to fill these posts internally? We are guided by the training at the Department of Human Resources, the Chief Immigration Officer has identified two hard-to-fill positions in the Department of Immigration. The two positions are client service officers in the personnel section. One position focuses on travel documents and the other one on land applications and residency.

Those are the answers to all of the questions, Mr. Chairman.

**The Chairman:** Thank you, Minister.

Are there any further speakers?

I recognise the Honourable Gordon-Pamplin.

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

Mr. Chairman, I refer back to page B-298 and the Minister's response in respect of the unit 48291 Land Acquisition Fees. The Minister has indicated that

\$5.5 million is appropriate, given that he has linked it to the original estimates for 2019/20. In the Minister's original description as to the changes within this Ministry from an estimate perspective is that he was looking back at what was realistic as to what had been achieved actually. So, we had \$2.78 million for 2018/19 for land acquisition fees under 48291; we had \$3.44 million in 2019/20 as the revised estimate. We originally had \$5.5 million in 2019/20 and that number was proven to be not an appropriate number, it was dropped to \$3.44 million as a revision. So, now to say that \$5.5 [million], which links to the original number that you had in 2019/20 . . . to say that you are trying to match one with the . . . it does not make sense.

So, I just wonder if the Minister could give us a little bit more flavour in terms of what may have been expected that did not materialise, such that the \$5.5 million dropped down to \$3.44 [million] on a revised basis, and whether whatever did not happen then is anticipated to happen the next time around. Otherwise we have got estimated numbers that really are not congruent with the explanation that the Minister gave.

**The Chairman:** Minister?

**Hon. Wayne Caines:** The Member has asked for flavour. Here comes the hot sauce, Mr. Chairman.

The process was labour-intensive. It was cumbersome. It was going through iterations of having to go through the land valuation department looking at plans. The process was really, really cumbersome. And so, what was happening was that this thing was backed up with a number of applications in our department. And because the Land Valuation Department and Planning Department that had to sign off . . . and this had to go around this process, this process was taking an inordinate amount of time.

Most recently, we put a plan in place to simplify and to expedite the process. And so, a number of high-value land acquisitions have been sitting in abeyance waiting for the process to be streamlined. We believe with the new streamlined process that we will see a lot of the draconian methods which saw this having to go through everyone but the Holy Ghost to be signed, to have it actually . . . the process to be actioned. We now have what we deem to be a streamlined process in place that you will not have to go to so many government departments—six weeks at Land Valuation, six weeks in the Planning Department, have to go to this government department to be signed-off.

There are people that have these huge properties that are simply just waiting. And we have these huge fees that we are able to collect, but we were not able to do so because the process was so arduous.

We looked at this as an opportunity for us to say, you know what? This process . . . back a number of years ago when you did not have the efficiencies

and the ability to check on computers and you had to go to this Registrar's office, and then go to the Land Valuation Department, and then traverse down to the Planning Department . . . now that we have the ability to look on a computer and to go to another department and look and see that the plan is congruent with the description of the property—the ARV is consistent to what the property description is—we do not have to go through all of these hurdles to go through the process. And we are in the process of streamlining that.

What does that mean? Processes that over the years have bottlenecked, Mr. Chairman, and you have not been able to get these land registry matters administrated, has left a bottleneck. What does that ultimately mean? That means that we have left money on the table, money that we could have been brought into Her Majesty's coffers we have left on the table.

And so, what we are saying through this process, now that it is streamlined and we are able to go through the process, as people are able to do the administration quicker and get the government fees in, that is when we see the processes go through. So, we can do the mental math. We can look and see . . . and I do not have the number, but we can look at the applications and say, *Okay, if we have these 20 go through and we get the equal amount next year, well, we can process the 20 that we have for this year [and] [the 20] we had for last year that we could not get through because it was cumbersome.*

So, if we get the staff in—check! If we get a cheaper process in—check! Well, guess what? That means that the process will be more streamlined. And that is what the mathematics has said.

And, obviously, remember the Honourable Member has sat in the seat that I sit in, so she understands. She is asking the question because she actually knows the answer. She knows that these numbers do not make sense. And the rationale for what we are seeing, why we have a higher number this year where there was a lesser number last year, is because with the changing of how we do things we will be able to streamline the process. There are some big properties, some significant properties, [and] we believe that we will be able to bring more money into the coffers.

**The Chairman:** Thank you, Minister.

Any further speakers?

I recognise the Honourable—

**Hon. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman, and I thank the Minister for his explanation, because that actually makes sense in terms of how we would expect additional revenue. So, I accept the response. But I have two questions.

How many outstanding land acquisition applications are there so that we have some indication as to where we stand in that regard? And secondarily, these are the ones that might have been outstanding in the queue that they did not get to from last year.

Obviously, we will not know how many new applications will come through until such time as that market is more robust and those numbers are manifest. But I just want to know how many of the backlog that could not be processed now will be able to be processed, that have been sitting there from before that will generate additional revenue? That is question number one.

And my second question, based on the Minister's response, is: Historically within government there have been effective firewalls between departments that you could not actually go in and see, from an immigration perspective, what was happening in the Land Valuation Department. And what was happening in, maybe, Works. There were firewalls in the various ministries. And each Ministry, even though it was computerised, was effectively operating in a silo. So, I am just wondering, based on the Minister's explanation that now they are able to go in and have a look at the computer to see what is happening in Land Valuation so that some of these applications can be processed more efficiently, has that system of firewalls broken down to the point of making government more manageable and more sensible in terms of being able to get real-time information?

**The Chairman:** Any further speakers?

I recognise the Minister.

**Hon. Wayne Caines:** The last question first, the entire process around the firewalls is that you are looking at plans, so it is not necessarily the actual application itself, they are not necessarily . . . the Land Valuation Department are actually not vetting the actual application itself. It will be looking at the ARV or looking at the plans and seeing if the plans are representative of the ARV. So, they are giving it a property description. Is the property description consistent with the plans that they have in front of them?

They have given a value so they are able to look at this thing and able to take a couple of steps out of it. The different departments were saying, *Listen, actually we are overworked with a number of other things and this does not form the bulwark of our work.* And so, that is why these land valuation matters are actually taking six weeks. *They are taking six weeks, or eight weeks, because we have our day job and these are the things that are taking up the most of our time.* And so, the whole part around this was, again, to make sure that this is more efficient.

And so, the firewalls are still there. The firewalls are definitely still there. This is more about efficiencies. Some of the steps, actually, will be taken out of there totally because there might not be a need once it is okayed by . . . and the point about the department is if you are able to look at a set of plans or company CAD drawing and say that this is the ARV or this is the size . . . you do not necessarily have to go to the other department for them to look at it, if it has

been verified and certified in one government department.

And so, whilst I am not an architect, I think the whole purpose of why it was looked at was because we saw—and this is with a number of the elements within the department—that everyone was being efficient, but the efficiency was centred around when the Act was written. And [when] the Act was written we did not have some of the steps that we have now. And so, we have gone back in . . . and it is still a work in progress, to take a lot of the redundancies . . . redundancies is not the right word, to take a lot of inter-departmental checks that were there, that we believe, due to how modern computerised systems allow us to look at it much more clearly and succinctly with the registration being able to be evidenced online, we can actually make that process more efficient.

Mr. Chairman, I do not have my technical officers here for that last question. They are still at the . . . they were still working on the EMO questions, the EMO part of the briefing. So they are not here to get the last question.

I am literally waiting for the last answer which will come from the team that were actually answering the question remotely with reference to how many licences were not administrated last year that will have to go over into this fiscal [year].

**The Chairman:** Understood.

Any further questions?

I recognise the Honourable Gordon-Pamplin.

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

Mr. Chairman, in consultation with the substantive Shadow Minister on this we have just decided that whatever question is still outstanding, the Minister can just undertake to get the answer to us, because it is pointless holding up the process for a question that may be answered imminently, or not so imminently. So, we are quite happy for the Minister to . . . I have no further questions, and if the Minister wants to go through and move his Heads, we are quite satisfied to do that.

**The Chairman:** Minister, there are no further questions, do you wish to move your Head 27?

**Hon. Patricia J. Gordon-Pamplin:** Sorry, with an undertaking to bring the responses, yes.

**The Chairman:** Yes. Minister, you got that.

**Hon. Wayne Caines:** Mr. Chairman, I give an undertaking . . . there is an outstanding question with reference to the outstanding land licences: How many outstanding land licences do they have within the Ministry? I give an undertaking that I will get that number

and have it to my colleague as soon as it is practicable.

**The Chairman:** Thank you.

Minister, you may move your Head.

**Hon. Wayne Caines:** Mr. Chairman, I move that the following: Head 27, Immigration, now be [approved].

**The Chairman:** Members, it has been moved that Head 27 be approved.

Is there any objection to that motion?

None?

No objection.

Agreed to.

*[Motion carried: Ministry of National Security, Head 27, was approved and stands part of the Estimates of Revenue and Expenditures for the year 2020/21.]*

**The Chairman:** Minister of Finance, do you wish to . . . I recognise the Minister of Finance.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I ask that we rise and report to the House.

**The Chairman:** Members, it has been moved that we rise and report progress, and ask for leave to sit again.

Are there any objections?

There are none.

*[Gavel]*

**Hon. Patricia J. Gordon-Pamplin:** Yes, we have to move—

*[Crosstalk]*

**The Chairman:** Thank you, Minister of Finance.

*[Pause]*

**The Chairman:** I recognise the Minister of Finance.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the following Heads be approved as printed: Heads 1, 2, 5, 56, 63, 85, 92, 98, 101, 26, 75, 88, 18, 93 and 29, together with the Heads already approved during the debate on the Estimates of Revenue and Expenditure for the year 2020/21.

Mr. Chairman, I move that the Current Account Expenditures, the Capital Development Estimates and the Capital Acquisitions Estimates be approved.

**The Chairman:** Continue.

**Hon. Curtis L. Dickinson:** I move that the Estimates of Revenue and Expenditure for the financial year 2020/21 be approved.

I move that the approval of the Estimates be reported to the House, that the Committee rise and the House resume.

**The Chairman:** All those in favour?

I recognise the Honourable Gordon-Pamplin.

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

Mr. Chairman, just because there is a little bit of unreadiness, based on the earlier discussions that we had surrounding the obsolescence of the Bill, I am just not sure what . . . I know that, from an appropriations perspective, we are agreeing that which we have debated and approved in the House. But given that those numbers no longer make sense, is there some provision that we need in order to permit coming back with some revised numbers once we have information in terms of what the revisions are? Because none of these numbers are going to make sense.

**The Chairman:** Minister, continue please.

*[Inaudible interjection]*

**The Chairman:** Okay, that is it, yes.

Okay, I will ask again. All those in favour of the motion?

**Some Hon. Members:** Yes.

**The Chairman:** Any nays?

Motion carried.

*[Motion carried: The Estimates of Revenue and Expenditure for Financial Year 2020/21 were considered by a Committee of the whole House and passed.]*

**House resumed at 2:28 pm**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## **REPORT OF COMMITTEE**

### **ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 2020/21**

**The Speaker:** Good afternoon, Members.

Are there any objections to the reporting to the House of the Estimates of Revenue and Expenditures for the year 2020/21?

No objections. It has been reported to the House. So moved.

We will now move on to the next Order of the day and—

[Crosstalk]

**The Speaker:** Oh, yes, yes.

[Laughter]

**Hon. Curtis L. Dickinson:** We cannot spend the money unless we approve it.

**The Speaker:** Do your second and third reading before we move on, so your budget can be passed. We do not want to hold up the—

**Hon. Curtis L. Dickinson:** No.

**The Speaker:** —passing of your budget, do we?

**Hon. Curtis L. Dickinson:** Otherwise I cannot spend any money.

**The Speaker:** Yes, you would not be able to spend a dime.

## BILL

### FIRST READING

#### APPROPRIATION ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, I am introducing a Bill entitled the Appropriation Act 2020 with the Governor's recommendation signified.

I move in accordance with Standing Order 28(5)(1) that under the provisions of Standing Orders 41, 12, and 42 the remaining stages of the Bill entitled the Appropriation Act 2020 be taken forthwith.

## BILL

### SECOND READING

#### APPROPRIATION ACT 2020

**Hon. Curtis L. Dickinson:** I move that the Bill entitled the Appropriation Act 2020 be now read the second time in the House.

**The Speaker:** Are there any objections?  
No objections. Continue Minister.

**Hon. Curtis L. Dickinson:** Thank you very much, Mr. Speaker. Mr. Speaker, I move clauses 1 through 6, inclusive, together with the Schedules A, B, and C as printed.

**The Speaker:** Continue.

*[Motion carried: Clauses 1 through 6 together with Schedules A, B, and C passed.]*

**Hon. Curtis L. Dickinson:** I move the preamble.

## BILL

### THIRD READING

#### APPROPRIATION ACT 2020

**Hon. Curtis L. Dickinson:** I move that the Bill entitled the Appropriation Act 2020 be now read the third time by its title only.

I move that the said Bill do now pass.

**The Speaker:** No objections?  
The Bill has been passed.

*[Motion carried: The Appropriation Act 2020 was read a third time and passed.]*

**The Speaker:** Now we can move on to the other items on the Orders today.

Yes, Minister Caines, are you going to do your matter as the next item . . . Immigration?

**Hon. Wayne Caines:** Yes, sir.

**The Speaker:** Okay. Well, the next item on the Order Paper for this afternoon is the second reading of the Bermuda Immigration and Protection Amendment Act 2020. That is in the name of the Minister of National Security.

Minister, you have the floor.

## BILL

### SECOND READING

#### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2020

**Hon. Wayne Caines:** Thank you, Mr. Speaker.

Mr. Speaker, I bring to this House today a Bill entitled the Immigration and Protection Amendment Act 2020.

Mr. Speaker, the purpose of this Bill is to amend the Immigration and Protection Act 1956 (the principal Act) to address certain issues that have resulted in members of families of persons who possess Bermudian status or permanent residence not being able to remain in Bermuda because they are unable to acquire Bermudian status or permanent residence. The Bill would also like to make a provision for a person who is born or adopted outside of Bermuda to acquire Bermudian status at the time of the birth or adoption, as the case may be, if at the time neither

parent is domiciled in Bermuda or at least one parent possesses Bermuda status.

Several key principles were used to guide the development of this Bill. The principles were: that the immigration policy should not negatively impact Bermudians; that the policy should be fair; that the policy should address the problems in a sustainable way; that the policy should not lead to the separation of families; and that the policy should ensure that Bermudians have a place of primacy in their own homeland.

The Bill addresses four issues: the challenges that Bermudians face in obtaining Bermuda status for their children born overseas; siblings born from the same parents in Bermuda, but one denied status due to previous amendments to laws that established a cut-off date for the granting of status; children born to Bermudian parents that were not qualified for Bermudian status because at the time of their application they were either too young or too old; some PRCs being able to pass on their PRC status to children, whilst other PRCs cannot pass on their status to their children.

This Bill is one step in the fulfilment of the Government's election promise to provide comprehensive, bipartisan, immigration reform. It waives the requirement for two parents possessing Bermudian status to prove domicile for two generations of children born overseas and for those children to possess Bermuda status from birth. This protects the birth right of children born to Bermudian parents overseas and removes the red tape for them to be recognised as Bermudians automatically. If that child has a child of their own, that child would also possess Bermudian status at birth. This is not retroactive. Any child born prior to the commencement of this law will still have their Bermudian parent prove they were domiciled in Bermuda under a soon-to-be-introduced new streamlined process.

Mr. Speaker, to effect these changes, the Bill amends the Bermuda Immigration and Protection Act 1956.

Thank you, Mr. Speaker.

The Explanatory Memorandum . . . do I read the Explanatory Memorandum?

**The Speaker:** Oh, that is it?

Oh, right.

Does any other Member wish to speak?

MP Richards, you have the floor.

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

Mr. Speaker, let me start off by commending the Minister for bringing this Bill to the House. It has been a long and winding road to get this Bill to where it is today, and I want to thank the Minister. I want to thank all of the groups that participated in bringing us to where we are today. The Immigration Reform

Group, which was a bipartisan effort, has been instrumental in bringing this Bill that we have here today.

I had the pleasure of attending the public meeting where this Bill was presented to the public and the Minister made a very interesting comment. And it was that . . . and let me get it right . . . *this is just the end of the beginning of the process for comprehensive immigration reform.*

It is a known fact that immigration is an emotive issue in this country, and rightfully so. So, it is best to take our time with this, as they say, *to measure twice and cut once*. And I, for one, am very pleased that we are able to debate this Bill and hopefully pass it today.

Is the Bill perfect? No, it is not. In fact, there is going to be an amendment made to this Bill when we go into Committee to fix . . . or, as I believe, partially fix a lacuna that we find in the Bill as it is currently drafted. It is not perfect, but it is what we are going to go with today.

You know there are a lot of people listening by radio or maybe they will hear excerpts from this debate on the radio or perhaps on the TV at a later date. And what we are doing today is going to provide relief for many individuals who find themselves living and working in Bermuda who heretofore did not have Bermuda status. And at a time like this, where we have our challenges in this country with a declining birth rate, with immigration, with economic challenges, it means that we need all hands on deck, and as many people who are currently living in this country to remain in this country. This Bill goes part of the way to alleviating some of those stresses that we find ourselves under.

So, once again, I just want to thank everyone who participated in bringing this Bill to the House today.

I am not going to speak for a very long time because I do want this Bill to pass. Some of my colleagues will weigh in and address the Bill as it is currently drafted, and perhaps give some ideas on what can be done in the future to make this Bill even better than what it is now.

I know there has been some feedback from the public with the fact that this Bill is not retroactive. So, basically, just to be clear (for those listening by radio), this Bill will become effective and will affect only those who are born after this Bill becomes law.

In my personal view, that is unfortunate, because there are quite a few—I do not know the exact numbers, but I know that there are quite a few—people who are still going to be challenged in terms of their status in this country that they probably love as much as I do . . . or maybe even more so. So, that has to be addressed.

I know that the Minister mentioned that with the improvements that are being made at the Immigration Department to streamline processes and to

improve turnaround times, hopefully those persons who are not going to get the direct benefit of this Bill today will still be able to get themselves to a point where they can have status.

So, with that being said, I will take my seat and let my other colleagues weigh in on this Bill. But all in all, it is a very, very good start. We need to continue the work because we need all hands-on deck at this point in time.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

Mr. Famous, I see you on your feet.

**Mr. Christopher Famous:** Good afternoon, Mr. Speaker.

**The Speaker:** Good afternoon, Mr. Famous.

**Mr. Christopher Famous:** Good afternoon to colleagues on both sides and good afternoon to the listening public.

Mr. Speaker, yesterday I went to a church service. It was a celebration of life. And we had persons from both aisles of this Honourable House speak about a gentleman. They spoke strongly about a gentleman, his love for golf, his love for football, most of all, his love for the Bermudian people. Anyone know that gentleman's name? Glenn "Dingback" Derrick Simmons.

**The Speaker:** Somerset boy.

**Mr. Christopher Famous:** Death Valley actually, at Southampton, but anyway—

**The Speaker:** I will still take him for Somerset.

*[Inaudible interjection]*

**The Speaker:** Yep.

**Mr. Christopher Famous:** Mr. Speaker, it is ironic, or should I say . . . I do not know what the word is . . . it is ironic. Four years ago exactly that same gentleman who was celebrated yesterday led thousands of Bermudians to march on your . . . well, it was not your House at the time, but on that Honourable House to our southwest that we are looking at.

Now, he was a very persuasive guy. But to get thousands of people to get out to march . . . there had to be some reason. Do you know what the reason was, Mr. Speaker? There was Bill proposed by the then Government called Pathways to Status. Pathways to Status was a Bill which ironically came out the day after the then Government lost yet another bye-election. So, you know, people have these knee-jerk

reactions, you lose a bye election, you put out a Bill and your reaction to the reaction is like, *Oh, this is why you're putting out the Bill.*

So, for whatever intent they were putting it out for, what came across to the people was that you all were putting out this Bill as a way to bolster votes for the general election coming up. It may have been right, it may have been wrong. But whatever it was, it was why thousands of people—

*[Inaudible interjection]*

**Mr. Christopher Famous:** What's the word? Chirping.

Whatever the reasons—

**The Speaker:** Just speak to the Chair, you will be all right.

**Mr. Christopher Famous:** Whatever the reasons, people marched. People marched because they remembered that immigration was used to propel those who arrived—primarily from the United Kingdom—ahead of those who have lived here for centuries.

My father's generation could not vote until 1968. Yet, people from the United Kingdom were given the right to vote long before them. There were people who could not get jobs, people who were unemployed—fully qualified, but could not get jobs. So, they, too, remembered that immigration was used to stifle their economic growth. So, that is why they marched. They stood arm-in-arm to prevent legislation that they felt would give thousands the ability to work here without work permits. They left their churches, they left their homes, they took their children out of school, to prevent that legislation.

So, again, that was the problem. Let us talk about progress, Mr. Speaker. Two years ago, roughly, a bipartisan committee was put together—persons from the OBA, persons from the PLP, and some civil servants. It has been a journey for the people on that committee: Honourable Deputy Opposition Leader Ms. Leah Scott; Honourable Ben Smith; Honourable Renee Ming; and myself. It is not just a journey of sitting down in a meeting and, you know, talking about what we were going to do. But we actually had to learn to trust one another. We had to learn that we all had Bermuda's best interests at heart.

So, I learned—I personally learned—that those two Honourable Members from the other side have integrity; they have Bermudians' best interests at heart. At times they were at odds with others, but they kept focused. And so, we are moved to what we have got here today, Mr. Speaker, a Bill, as the Honourable Sylvan Richards said, that is not perfect, but it is a first step.

We are here discussing a Bill today, Mr. Speaker, and there is no crowd outside. There are no protestors, because what they saw was fair and bal-



anced . . . maybe not perfect, but fair and balanced. Last week at the meeting we had persons who were, obviously, from both sides of the aisle there, but they had concerns and their concerns were alleviated.

Mr. Speaker, as a country we have a lot to deal with—racism, sexism, classism, and now coronavirus. So, we have to be honest with ourselves that, yes, we need more people on this Island. We need more money going into the payroll. We are now, possibly, going to go further into debt, so, yes, we need to solve this. But we need to solve this in a measured way.

There are those out there who are saying—have been saying—*Be like the Cayman Islands*. The *Royal Gazette* has come along and said, *Hey, be like the Cayman Islands*. Well, you cannot argue with the balance sheet. You cannot argue with the fact that they are paying down their debt. You cannot argue with the fact that they are able to give their civil servants raises. But that is the theory.

Some of us have actually been to the Cayman Islands so we have seen, yes, a lot of economic activity, a lot of people working in hotels, a lot of cranes up in the sky. But when we drilled down on it, Mr. Speaker, some of us could not find Caymanians. We found everybody else but Caymanians in some of these places. And so, do we want to be like the Cayman Islands? I think not.

We have headlines during this series from the <sup>1</sup>*Royal Gazette* from Honourable Roy Bodden, former Labour Minister and retired President of the United College of the Cayman Islands, who said: “Many Caymanians are alarmed now, because they realise the development is spinning out of control,” Dr. Bodden told *The Royal Gazette*.

“We’re on a treadmill—and if you’re on a treadmill and don’t know what you’re doing, you’re likely to fall off.

“We are not in control of the forces that run the economy. And we know that he who pays the piper calls the tune. The agenda is in reality not set by the elected legislature, but by the movers and shakers who shape the economy.

“The perennial question for me is: for whom are we developing?”

So, for those who say this immigration Bill should be more like the Cayman Islands, well, we have seen what happens when immigration Bills go out of control. We have seen that for ourselves.

Another headline by an elected MLA, which in the Caymanian sense is an MP, Mr. Kenny Bryan, said that rents have risen by 19.7 per cent year over year in the first quarter of 2019. Rents have gone up by 20 per cent. Now, if you are a landlord and you have multiple houses, you love to see that. But if you are a worker struggling to pay your bills and every year your landlord is saying, *Hey, you’ve got to put another \$200 on top of that*, it is not so good.

So, I am not here to beat up on Cayman. They are successful. But they are not balanced. So, I am saying to us in Bermuda, to the listening public, to those who are advocating that we should be like Cayman—no! We are not going to do that. We are not going to let this go out of control. So, this Bill that you see before us is the first step towards balance.

Mr. Speaker, I sat and I listened to a gentleman at a public meeting recently, and he literally said *people who are belongers deserve status—are entitled to status, and you all should not be prioritising those who are not yet born*. I said to myself, *Did this guy just say this?* And he said it again. So, we have this prevailing attitude amongst some in this country that because they fall into a status called “belonger” that they should get status in this country before people who have a lineage here.

Are we going to do that in this Bill? No, we are not. Will they get status one day? I do not know. But our first and our primary responsibility is to the people of this country, irrespective of how much melanin they have got in their skin.

[Inaudible interjection]

**Mr. Christopher Famous:** Yes, their consciences bother them.

Mr. Speaker, this Bill that we see here, as spoken by the Minister, is [a] repatriation and mixed-status Bill. What does repatriation mean? It means that for over the last 10 years, probably a little bit more, we have had Bermudians moving out of this country primarily due to the cost of living and other factors, but primarily due to the cost of living. Many of these young people are of child-bearing age, whether they be male or female. So that means eventually they will have children or have had children born overseas and those children, rightfully, are Bermudians.

There are people today who in the next year are going to be born overseas to a Bermudian parent. And what this Bill does is allow that child to gain—

[Phone rings]

**The Speaker:** Mr. Famous, do you need some assistance there?

**Mr. Christopher Famous:** It was a red button and I could not hit it.

**The Speaker:** You could have passed it along to one of the guys next to you to answer for you.

**Mr. Christopher Famous:** It is off now.

**The Speaker:** All right, good.

<sup>1</sup> [Royal Gazette](#), 13 February 2020

**Mr. Christopher Famous:** So, my apologies, Mr. Speaker.

So, this Bill, as I said, Mr. Speaker, this Bill is primarily . . . the first step of this Bill is to address those children who are going to be born overseas to Bermudians.

For those who are already born the process is going to be simplified. I had a lady text me the other day. She had one child born in the Cayman Islands, one child born in the Virgin Islands and she was worried about why her children cannot get status. So, I had to explain to her *fret not, we will make the process simpler for you*.

This Bill also addressed those born to Bermuda status holders after 1989. One of the reasons the previous Government advocated for their version of the Bill, was that you have persons born . . . you had siblings, one was born before 1989, so they got Bermuda status; one was born after 1989, so they were not entitled to Bermuda status. So that is the, as you say, quintessential example of a mixed-status family. Two siblings, two or more, but with unequal status when it comes to immigration. This Bill [will] address that. It will allow the person born after 1989 to gain Bermudian status.

Now, Mr. Speaker, there is this thing called PRCs. Prior to 1988 there were a lot of people who had to leave this country because their work permits were up. Some people had been here many years. When the PLP came in under the guidance of Dame Lois Browne-Evans, legislation was created under the Honourable Paula Cox which created this thing called "Permanent Resident Certificate"—PRCs. It simply meant those who were previously called long-term residents were now permanent residents. So, they got to live here forever. They got to buy property of limited value—a certain value—and they got to work without a work permit.

Now, some Bermudians were not too happy with that, but that is the type of Government we are—balanced.

*[Inaudible interjection]*

**Mr. Christopher Famous:** A caring Government. Even if we take licks from our own people, we committed to do the right thing.

But then here comes a problem. We give them an inch, sometimes they want more than an inch. So, part of the problem four years ago was that people who were PRCs were demanding that they get status. *I've been here for so many years . . . I've contributed to the economy and I deserve this, I am entitled to that*. You go back to this thing about people not getting jobs because foreigners were given preference. It raised the tension.

So, some of these PRCs—many of them—had children. So, you had two classes of PRCs. One class could pass on PRC to their children, one class

could not. Hence, another form of mixed status. So, what does this Bill do to address that, Mr. Speaker?

It amalgamates the PRC statuses—31A, 31B. It is all going to be the same thing now, and allows those PRCs to give their children Permanent Residence Certificates, which means those children who some would claim have no status, but they have status, they have the status of their parent because those persons now have the ability to have permanent residency in Bermuda.

Again, going back to your point, some of our people are not going to be too happy with that. But is it the right thing? Yes. And that is what we are going to do. But here is the caveat, it has to be done in the next two years from whenever this commences. It is not just going to be willy-nilly.

So, Mr. Speaker, I want everybody to go back to this gentleman, Glenn "Dingback" Simmons, a man who dedicated his life to this country, a man who lived to see legislation laid that is balanced.

So, I implore my colleagues on both sides of the aisle to support this Bill as the Honourable Shadow Minister for Immigration has. I implore my colleagues on the Government side to know, yes, some of our people are going to be not too pleased with everything in it, but that is what Dame Lois Browne-Evans did. She did what was right, even in the face of some people not being happy. I implore the people on the OBA side, for those who keep screaming *we deserve more, we are entitled to more*, I implore you to say to them that everything comes in time. You cannot be demanding stuff of us. You cannot be telling us you are entitled to this.

So, Mr. Speaker, as I take my seat, I want to thank, firstly, the Honourable Walton Brown who started this process. I want to thank Deputy Opposition Leader Leah Scott for her guidance along the way; the Honourable Ben Smith, the gentleman sitting there in blue and blue; I want to thank Honourable Sylvan Richards for his measured words earlier; I want to thank PS Collin Anderson; I want to thank Ms. Juanee Scott; I want to thank the Director of Immigration [Dr.] Dinette Ming; and most of all, I want to thank the Minister. I am wondering why he still has hair on his head because people on both sides—all sides—have been pulling his hair out. But through it all he has prevailed. And as he said, this is not the end, this is the beginning.

So, with that, Mr. Speaker, thank you.

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

Does any other Honourable Member wish to speak?

I recognise the Deputy Opposition Leader. Honourable Member, you have the floor.

**Ms. Leah K. Scott:** Thank you, Mr. Speaker.

Mr. Speaker, I have to declare my interest. I was granted Bermudian status in 2007 and I got sta-

tus as a long-time resident child being here before 1969, in 1989.

*[Inaudible interjection]*

**Ms. Leah K. Scott:** Yes, before . . . I was born in 1959, so before 1969 in 1989. And I believe that my colleague, the Honourable Derrick Burgess, was the one who actually signed my status form, I believe.

**An. Hon. Member:** What?

**Ms. Leah K. Scott:** Yes. So, I declare my interest.

**The Speaker:** He is a fair man.

**Ms. Leah K. Scott:** He is a fair man, yes.

Mr. Speaker, this has been a long, arduous process. And kudos to the Minister for sticking to the wicket because I am sure that there were times when he wanted to kick all of us out of that room and just say, *Look, we don't have to do this by committee, I am going to do this by myself because this is extremely frustrating.* But he was very fair. And I have to say that when we were supposed to have the town hall meeting, I think it was back in November . . . was it November? Was it last November?

*[Inaudible interjection]*

**Ms. Leah K. Scott:** We were supposed to have the first town hall and the four of us sat in his boardroom and said, *Well, we're not going.*

And he was like, *Well, we have to go.*

And we were like, *We're not going, we're not happy with the legislation.*

And he looked so crestfallen and deflated. But do you know what he did? He said *Okay, we won't table the legislation, we'll go and we'll give an explanation and . . .* and he could have just said, *You know what? I am sorry, this is my legislation, this is what I'm going to do.* But he did not.

And so, we have worked through many processes. Each of us has had our own issues in terms of the concerns that we had with the legislation. But as everybody who has gotten up to speak prior has stated, this is a first step and it is a step that has been a long time coming. And while there are some issues that I think still need to be addressed, I think that it is the first step in a long journey and I am pleased to have been part of the process.

At the end of the day, Mr. Speaker, we all have somebody that we know that should be given, or we feel should be given Bermudian status. And so, hopefully this will rectify it. I am a bit disappointed, like my colleague Sylvan Richards said, it is not retroactive. But that is because I am selfish and I have a granddaughter that I would like to see have Bermudian status.

I guess we faced a lot of challenges in just trying to come up with a piece of legislation that was going to effectively address all of the issues. And you know, we have had many conversations with Mr. Madeiros, with Dr. Ming, when we were first appointed to the committee by the late Walton Brown. We spent hours upon hours with Mrs. Rozy Azhar, who is a treasure trove of immigration information. And through her guidance we actually got a lot of work done because she was able to . . . we would try to come up with a solution and she, I think, has seen every iteration of every immigration issue—from marriage, to children, to children being born out of wedlock, to everything—and so her guidance was just immeasurable. And so, I would like to thank her for the input that she has given us and for helping us to develop the document that we have come to know as this piece of legislation today.

I know that there are people who will not be satisfied with the progress that we have made. As with every piece of legislation, it is not going to satisfy everybody. But at the end of the day it is a step. And I know that at the end of the day immigration is an extremely emotive issue because in 2016 I was the one who confronted my colleagues about the way that we were going about the Pathways to Status. And they were not very happy with me, but at the end of the day, anybody who knows me knows that it is about the principle—whether it is OBA or PLP. Right is right, wrong is wrong, and it is about the principle.

So, I am glad to now be a part of the process which is providing a solution to the community. Again, I would like to thank the Minister, I would like to thank Juanee Scott, and I would like to thank my colleagues: the Honourable MP Renee Ming, the Honourable MP Chris Famous, and my OBA colleague Mr. Ben Smith; and the technical officers, Collin Anderson, who has done yeoman's work to try to get this done; and to the Minister who, despite his levels of frustration with us continued to work with us and he continued to listen to us and to hear us and has now brought us to the place where we have landed today.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

Deputy Speaker, after the kind remarks that were given to you, I think you would like to add a contribution?

**Hon. Derrick V. Burgess, Sr.:** I am a kind person.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, immigration is a very sensitive and emotive topic for all Bermudians. But before I go any further, I certainly want to thank the energetic Minister Caines for his perse-

verance in bringing this Bill here and for trying to get it right. And he has brought it here in piecemeal, which I think is the best way forward.

I would also like to thank the Honourable Chris Famous, the Honourable Renee Webb *[sic]*, the Honourable Leah Scott—

*[Inaudible interjection]*

**Hon. Derrick V. Burgess, Sr.:** I keep calling her Webb . . . Ming! You know, the Mings and the Webbs came out of Hamilton Parish and she came to Hamilton Parish and took somebody out and I think that is what happened, right. It is true . . . which she did . . . yes, it is very true.

And the Honourable Leah Scott and Mr. Ben Smith and the rest of the committee for this job, Mr. Speaker.

But you know these . . . immigration comes with a lot of scars. There are men who went to World War I and fought for the peace of this world, came back home to Bermuda and could not vote, Mr. Speaker.

Mr. Speaker, in our Throne Speech of 2018, if I may read just a few excerpts from here?

**The Speaker:** Continue.

**Hon. Derrick V. Burgess, Sr.:** It says, “Our immigration laws must better reflect the mandate of this Government in putting Bermudians first. Historically that balance has not been struck, and throughout our history immigration has been used to achieve aims that had nothing to do with economic growth.”

And finally, it goes on to say, “Throughout the history, immigration laws and policies have been mired in the combustible mix of race, politics and class. That has divided our community, created distinct benefits for some and resulted in the marginalisation of others.”

Mr. Speaker, this started before you and I were born, in my opinion—the marginalisation of Bermudians, particularly black Bermudians, in the disparity of income. It was in . . . prior to 1834. The British Government, the UK Government, put aside £20 million to pay off slave owners because they lost the services of their slaves.

Mr. Speaker, what did that do to slaves? Well, if they left the slave owner they had nowhere to go. They had no money, yet the UK Government paid the slave owners. And it was done for a reason. It was to get those slaves to come back to their masters for less than what they left for. And they paid off . . . and those folks did not need the money. The people that needed the money did not get anything, Mr. Speaker.

Mr. Speaker, so the disparity of income started officially in 1834 through Government House.

You know, Mr. Speaker, before the 1834 Emancipation, slaves knew what their masters were

charging for their services, and they got together and had meetings and they said, *Well, this is what we would charge when we are free.* Well, the Royalists got hold of that and they printed some disparaging remarks about the slaves, Mr. Speaker. I do not want to give them any credit and repeat the remarks because it is not even worth it.

Mr. Speaker, in 1920 . . . and that is why I am always going to tell you that Government House is the chief guardian of the income disparity, the chief guardian of racism in this country, because the records will show you in 1920 when Willcocks *[came]* . . . I said this before and it is worth repeating. When he came here in the 1920s, the majority of the police constables were black and that incensed him. He figured, *Well, you can't have all these black folks because we don't feel safe.* So, he went about working with the legislative to bring in whites from England. And finally, he got the permission to bring in whites, paid them more money, and gave them housing. That is why you saw in the 1960s and those out in there before then the houses up in Prospect, you found a lot of the English policemen living in those homes up in Prospect, Mr. Speaker. He brought in whites because they never trusted us.

Mr. Speaker, the history of bringing in people to this country has been met with protests, starting in 1842 when there was an Act passed to bring in English people. Why did they bring in the English? They brought them in to increase the population of whites and to vote. That is why they brought them in. And even though we protested—and when I say “we” I mean blacks protested—they were still brought in, Mr. Speaker, because we were a peaceful people.

Mr. Speaker, in 1847 they brought in the Portuguese. They did not bring in the Portuguese to vote because they treated the Portuguese badly. (Trevor Moniz, they did. I am just reminding you.) But they brought the Portuguese in to undercut blacks in their requests and demands for better pay.

A lot of people think that black folks cannot farm. Who do you think did all the farming before they came? You know, they had the Portuguese living amongst the cattle, treated badly. But that changed when they figured out they needed more votes and some of the Portuguese were lighter than others—they came in different shades, and so forth. They made it a little better for them and most of them joined the UBP, now the OBA, Mr. Speaker.

Then between 1956 and 1967 there were 704 statuses granted to foreigners, and this was brought up in the UK Parliament, Mr. Speaker. And out of that 704 only 4 were black. Racist policies, again.

And then, Mr. Speaker, just here in the early 2000s Colonel Burch and Dr. Brown brought in four Uighurs. The Government was incensed. But this agreement was above his pay grade. They are not going to talk to him when you are talking to the Secretary of State of the United States. Why would they talk

to the Governor? It was in the remit of the Government to bring in four Uighurs. What was all the fuss about bringing in Uighurs, when they can give 700 whites status? It is because of who did it.

You see, Jim Woolridge said in his book on page 125, *The House that Jack Built: A Memoir*, "Sir" Jim I should say, because he should have been knighted, and I say that sincerely. He says, "They don't mind you having the job as long as they can tell you what to do." The Governor was so incensed . . . and he still has not forgotten it because—

*[Inaudible interjection]*

**Hon. Derrick V. Burgess, Sr.:** —he has never been forgiven, particularly against Dr. Brown, Mr. Speaker.

And Mr. Speaker, when we talk about the income disparity, you had a member of the ruling party, now the OBA, John Barritt, a former legislator, say that blacks made too much money. He was talking about two individuals that the Commission of Inquiry never even interviewed, but just made a statement they made too much money.

Well, Mr. Speaker, that tells me that, to them, there is a cap put on what blacks can make, [but] the sky is the limit for them.

Mr. Speaker, if you can recall, that . . . what I call the . . . what did I call them? The lynch mob. They even made a statement about something they never even, up until this day, called a witness . . . and they called it . . . the chairperson called it "outright fraud." And what annoyed me about that whole thing [was] none of the legal fraternity said anything about that statement because, if that was the case in the Supreme Court, that fellow would have been taken out. But nobody knows their history, or they did not know the history of that chairman of the board in here, Mr. Speaker.

And Mr. Speaker, when we talk about bringing in workers, the Bermuda Technical Institute was doing a great job in supplying all of our needs as far as mechanics—whether it be motor mechanics, carpentry, masons—because if you went down to PW's or any one of those garages, you may have seen one of my cousins from England who was in charge. But most of those places were staffed by graduates who learned their trade right here in Bermuda. And some of those establishments even sent them overseas for further training, Mr. Speaker.

Mr. Speaker, when I talk about Bermuda Tech it takes me back to 1806. Now, I was not here, as you probably can see. In fact, prior to that was John Slater, S-L-A-T-E-R. In 1706 he tried to legislate the blacks out of the trades. But in 1806, I think it was 100 years later, there was legislation they called the Act of Imposing Duties. And at that time, Mr. Speaker, like it was when Tech was closed, most of the trades were handled . . . boat builders, and all that were blacks. And whites were annoyed at that, the powers that be.

And so, what they did was they passed a law that if a white . . . they encouraged whites to join the trades, to enter the trades, and they paid them a bounty for entering the trades. And what . . . the Act also charged blacks a levy for entering the trade and being in the trade. So, it cost us to stay and join the trade, but whites were rewarded.

See, the history . . . the history is messy. It is one-sided. But people said you should not bring up the history. Well, it continues. The practice continues, Mr. Speaker. They are still bringing in workers to undercut us. And we had one . . . one of my cousins, I believe it was Mr. Tugwell. I think he was Canadian, but somebody told me he was English. The Bank of Butterfield brought him here in, I think it was 1998, to do some cleaning at the Bank of Butterfield. And obviously he is a fair man because he did an interview in *Bottom Line* and he said, one of the findings, he said, *We've got all these qualified black Bermudians down here working in this bank, being passed over by inexperienced whites taking the positions.* Well, I knew once I saw that article, he was not going to be here long. And they got rid of him, Mr. Speaker.

Mr. Speaker, should we be satisfied with England? No. It was in the last debate, they took away our ability to produce the Bermudian passports—the British Overseas Territory citizens—and they took it to the UK. Now, they are telling us if we want it back it is going to cost us a million dollars. How can you feel good about that? And when you look at the history, I do not feel good at all about the history that they were in charge of in this country, Mr. Speaker.

Mr. Speaker, you know, it was in 1852 Samuel Brownlow Gray—that same fellow who presided and sentenced Reverend Monk to prison—do you know what he said? Because one of my good Caucasian cousins from England, Reverend Dowding (D-O-W-D-I-N-G), attempted to open a college called St. Paul's College. It eventually opened, it did not last long because Gray and others did their best because this college was for blacks and whites, and when it opened it had 30 students and I think two or three of them were white. So, Brownlow said, *awarding MA and BA degrees to men who had no earthly prospect but making their livings with spades in their hands as their fathers had before them.*

Mr. Speaker, sometimes we see some behaviour of that kind still today.

And Mr. Speaker, you know what whites should be doing in this country . . . because if they are sincere about treating people fairly they would be out there preaching *you've got to pay everybody the same.* Meaning that you cannot have a person of African descent working and one a Caucasian doing the same work and there is a different pay for each—obviously, the black getting less. Not only that, but the white getting living expenses. That has to stop. Some people benefit from it and they say, *Well, I'm not going to say anything; I'm not going to rock the boat.* Well,

you know, as they say, if you are not rocking the boat you are not doing anything, Mr. Speaker.

**The Speaker:** Mm-hmm.

**Hon. Derrick V. Burgess, Sr.:** So, we are asking for whites to come forward because . . . and I know some of them get upset when I . . . when anybody here stands up and gives the history. And I know some of them ignorantly judge our passion with that of an angry person. I am not angry; but I will give you the facts. I will give you the history. And the reason why we give you the history is because you are doing the same thing. And if you do not know your history, you are bound to repeat what you did yesterday or many, many years ago.

And it is okay to say, *Well, I didn't do it*. As we have heard in this House, *It wasn't me; I wasn't living*. But they benefited from what happened in those years. They benefited, Mr. Speaker. And you see it today. Why do you think black people are still poor? In fact, they did a survey the other day. I think the 2 per cent of the wealthiest people in the world, their income increased 2 per cent and the poor's decreased by 11 per cent, Mr. Speaker.

Mr. Speaker, what this Bill sets out to do . . . my children's children can get status without . . . we have got to wait until they go 18 [years old] and they have got up to 22 [years old], and if they do not apply, they lose it. That is what this Bill seeks to address, that they can get status at birth like they should. And it passes on to two generations, Mr. Speaker.

Mr. Speaker, let me make it clear that PRCs cannot vote. So, we are not giving the blanket . . . some people think, *Oh, what you're doing is wrong because PRCs* . . . PRCs cannot vote. They have all the other rights, but they cannot vote. And it is like many people that live in the United States—whether they be Bermudians or from other nations—and they have a green card, a residency card, or whatever they call it. They cannot vote. And some think that we are being unfair because they should be able to vote, but you cannot vote in the United States and you are not making any noise about it. Why do they think that they have got to be . . . we have got to bend over backwards here?

I am glad they are here. And I just hope the PRCs we do give are to people who have come to invest in this country. It is okay saying we need more people in here, but it does not make sense to say, *Well, let me give 100 people PRCs*, and they are just workers like me. They are not bringing anything to the table. We need PRCs, some folks to come invest in Bermuda, and that is why the PLP made the adjustment in the law, that special PRCs [are] for those that have come to invest and create jobs.

*[Inaudible interjection]*

**Hon. Derrick V. Burgess, Sr.:** Job makers, right, that is it cousin. We are happy about that, Mr. Speaker.

So, Mr. Speaker . . . and also, as it was said earlier, let me repeat it, if there is a family . . . because some of these things you have to repeat when you are doing immigration—

**The Speaker:** Yes.

**Hon. Derrick V. Burgess, Sr.:** —that has a child, now those two parents have a child who got status before a certain time and a couple of years later there comes another sibling. Well, based on that connection, that child would [now] get status, as I understand this Bill, Mr. Speaker.

So, Mr. Speaker, I want to thank, again, the Minister, the bipartisan committee from this House of Parliament, and all the technical officers, because I am sure . . . I was not there, but I am sure because I know at these . . . and most of us know that when you are discussing or trying to put a policy or a law in place to deal with immigration, it is not an easy one.

It is never going to be easy, particularly with our history in Bermuda. Remember we have only got 20 square miles. And with the erosion that gets less each year. And then to get the former Government to give away our property for 30 years without any variance in the contract, with less than 20 square [miles] which is owned by us that we can claim until the next 30 years.

So, Mr. Speaker, again, I want to thank Minister Caines and his folks for this Bill.

Thank you.

**The Speaker:** Thank you, Deputy Speaker.

Does any other Member wish to speak?

I recognise the Honourable Member Ben Smith. You have the floor, sir.

**Mr. Ben Smith:** Good afternoon, Mr. Speaker.

Firstly, Mr. Speaker, I would like to take this opportunity to thank the prior Minister, the late Honourable Walton Brown for giving me the opportunity—and the other members of the committee—to form this reform committee.

*[Inaudible interjections]*

**Mr. Ben Smith:** Prior to the committee being formed, over several years, Walton Brown and I had had several conversations specific to immigration. It has been said a couple of times today, but I think it is actually important that you understand the lens that we had to start this process with the history of Bermuda [which] has a lot of really ugly parts that are connected to immigration and how immigration was used as a weapon over several generations. And because of that you always have to be mindful of all of the things that hap-

pened prior to help you to make the right choices as you move forward.

So, we would talk about the history, but we would always get to the point to talk about progress—where do we go from here? How do we make things better? How do we put ourselves in a situation where people have an understanding of what their position is in the country, not having people that have been here for their entire lives, not having people that have been here without any regularised status in Bermuda?

So, that was our initial conversation before we had the opportunity to sit together on that committee. So, I would like to thank the members of the Committee who were there in those early stages: Honourable [Deputy] Opposition Leader Leah Scott; Honourable MP Chris Famous; Honourable MP Renee Ming.

When we started this process I know (I speak for myself, but hopefully I can speak for all of the members) it was a steep learning curve. We had to go through a lot of information—the Madeiros Report, the Act. And as we are going through all of that information step by step with the guidance of the Minister and with a lot of really good guidance from Rozy Azhar—we would like to thank her for all of the information that she gave us in those early days of what we needed to know in order for us to make the decisions that we needed to make—and as we were going through each of those steps it was methodical. We had to meet several times a week, week after week.

And the problem is that a lot of people have specific things that they want to get done through immigration, so because of it, it was . . . we were taking too long, the process was taking . . . it is too slow. But, as you are going through that process, using the vision that we have to look through what has happened prior to us being in that committee and we cannot make decisions that are going to make the same mistakes that have been made before, we had to take our time. We had to go through each step.

So, as we progressed through all the things that we were doing, because it was not just mixed status families that we were dealing with, we were dealing with all the different parts of immigration. Obviously, mixed status family is the piece that we ended up bringing forward first, but that was because we realised that we were going to have to break this into smaller pieces to bring it forward rather than bring one overall reform which would make people think that we are—as you hear over and over again—opening the floodgates, when that was never going to be the intention.

Once Minister Caines came into the picture I have to say that he came in with a ball of energy. He came into the room, you could tell that he had a plan, he wanted us to move in a certain direction and he wanted us to move in that direction as quickly as possible. But Minister Caines found out, the same way that we did, that you have to actually take this a little slower. We had to take [it] step by step. And because

of that, he took some public hits because he had said that we were going to do things on certain dates and we were not able to reach those dates because we had to take our time and we did not want to make mistakes that were going to open up holes that would cause other problems.

And the main reason for that is because when you have an Act that has been [in force] since 1956 and we continue to put Band-Aids on that time and time again, changing dates, amending things, every time you do that you open up a loophole. Then, so many years later, you are having to go back and fix that and that has gone on over and over and over again. We had to make sure that what we were doing was not creating other issues. And that is very difficult because when you think you are making a change that is going to work, a lot of times you find out that you cannot . . . you cannot do it in the way that you wanted to do it because it is creating another problem.

There has been a message that has happened and I think it is important to speak to. Yes, there is a long negative history to immigration. But we also have to remember that there is a positive side to immigration. A lot of the heroes that we hold up in Bermuda were not born here. They came here to work; but they worked alongside Bermudians. They worked and fought alongside Bermudians to progress a lot of the initiatives that led to the people that are sitting in this House today. These are people that we all hold up. But a lot of times we need to remember that they came from other places and they helped to make the beautiful Bermuda that we have now.

So, we cannot only look through the lens of the negative side. We have to understand that without the immigration policies that allowed educators to come in, that allowed people that taught us how to fight for workers' rights . . . a lot of those things came from outside of this country. A lot of the people that are sitting here now, presently, are a result of families that came to Bermuda not too long ago.

So, we cannot just say that it is always the negative side; it is always just white people. We have to understand that most people here came from somewhere else, and because of that when we are making decisions about people that are here now, we cannot just say we are going to pull the ladder up behind us and not let anybody else in. And that is the part that I think when you are having a balanced approach is what happens.

So, I am going to say that there was a lot of growth within our committee over this two-year period. There were times when we bumped heads because we had different philosophies of how to get to where we wanted to go. And, of course, the fact that the Somerset team was always winning upset some people on the committee.

**The Speaker:** That is understandable.

**Mr. Ben Smith:** But that is fine because we will continue to do that.

**The Speaker:** We will keep winning too.

**Mr. Ben Smith:** But as we progressed forward, we started to understand that there were economic reasons that we had to be changing our immigration position. There were jobs that we needed to have for our locals that were going to be attached to immigration decisions. So, as we started to have more and more of those conversations, you could tell that some of what we perceived [were] our differences in the beginning, we realised we were not that far apart. And because we realised that we are not that far apart, I believe we started to build some friendships and understood that when we work together we can actually progress things a lot faster and better.

So then, as we were having conversations with the Minister one of the things that we started to realise was [that] over that two year period of growth, while we were communicating [about] the history and what we were doing and how we were going to get forward, we had not taken the population with us on that journey. So, we started to talk about what the next step was, how we were going to educate everybody in Bermuda and take them along for the journey. And that meant not just letting our local Bermudians know that we are not trying to open the floodgates, but at the same time letting business know that in order for us to make some of these changes, we need to make sure we put policies [in place] to take care of our Bermudians, to make sure that they are trained, to make sure that they are given opportunities, to make sure that we are moving everybody in Bermuda forward, not just some people in Bermuda.

And that was the position that we were taking as a committee and, as we were stepping through each level of this immigration reform, that was the mind-set that we had.

I thank the Minister for giving us that opportunity. And he has said it, and I will repeat it, this is just the first step. We have done a lot of work on what is going to happen next or what we need to discuss to happen next. I am looking forward to what we will do once this Bill is passed so that we can get back to work to move into the next phase because there are some exciting pieces that I know Bermuda is going to be interested in when it comes to immigration. And there are going to be other issues that there will be some challenges to.

But we have to be mindful that we are doing all of this process so that everybody in Bermuda can thrive, so that we can make sure that our economy continues to grow and that people that are doing really good things for Bermudians, who happen to not have come from this country, but want to walk shoulder to shoulder with us, maybe fight with us—as a lot of them will be doing while we are going through this

coronavirus—we have to understand that they are not the enemy.

There are people from each of these generations that were bad. And that is just the nature of humans, but it does not mean that we paint everybody with the same brush and that everybody is going to be bad. So, we have to be mindful that we put in a policy that tries to sift out the bad characters while we are moving forward with the people who actually want Bermuda to thrive for everybody who is in Bermuda.

So, one of the issues with having an Act that has been around since 1956 (and with all of the Band-Aids that have been put on it) is that several Governments have put a Band-Aid on and then kicked it down the road and then maybe nothing happened, and then it got kicked down the road again. So, you end up with these situations where we have had some mixed status families, we have had some people that have been waiting for a really long time to have the opportunity to be part of this Bermuda life that we have, even though they have been working and living here and, for all intents and purposes, have nowhere else where they can go. We are taking this opportunity to give them what I believe most people in Bermuda agree they should have.

And we have looked at, obviously, giving the opportunity to some of our Bermudians that have gone overseas to be able to claim Bermudian status for their children. I, like my colleagues, wish that we had looked at doing some of this retroactively because once you look at . . . we are going to give rights to somebody tomorrow. But the person who was born today is not going to have the same level of rights. That is going to open up some areas that become a problem. And I understand that there is the idea that you are going to simplify the process and you are going to make the process easier. But there is a big difference between automatic and a process, a process that might mean having to go and hire a lawyer and pay lawyer fees, when that automatically separates the people that can afford it from the people who cannot afford it. And we really should not have a situation where the determination of whether you are a Bermudian or not is going to be how much money you have in your pocket.

**The Speaker:** Mm-hmm.

**Mr. Ben Smith:** So, with that, we support the Bill. We are hoping that the amendments that are put forward are going to make sure that all of the pieces are covered and that all Bermudians are going to get the opportunity.

And with that I would like to thank all the technical staff and everyone that helped us as we were going through with this reform and everybody on our committee. And thank you, once again, to the Minister. Good afternoon.



**The Speaker:** Thank you, MP Smith.

Does anybody else wish to speak?

I recognise MP Ming. Madam, you have the floor.

**Mrs. Renee Ming:** Good afternoon, Mr. Speaker, and listening audience.

**The Speaker:** Good afternoon.

**Mrs. Renee Ming:** It is actually a privilege for me to be able to stand up here today on behalf of the bipartisan committee, Mr. Speaker.

My colleague spoke a little bit about the committee, but I can definitely say, since September of 2017 when we were asked to sit on this committee, that you definitely saw people evolve. And when I say this I mean it in the true sense of the word, because we were four people who were pretty much newly elected outside of the Minister and Madam Scott down there. The rest of us, you know, we were getting used to what even a parliamentary process is, and all of a sudden we were dropped into an immigration hot seat (for lack of a better word), Mr. Speaker.

And I say hot seat because there is not any time when you discuss immigration in this Island, I think, that it can be easily discussed. If it is, it might be about the form or something like that. But it is definitely not when it comes to Bermudian status and PRCs and stuff. It always seems to not bring out the best of us at times, Mr. Speaker.

So, when I say it is a privilege to serve today, I think that from 2017 to 2019, I can definitely say that I have grown with my colleagues, because there were times when it was challenging. There were times . . . I do not even know if it is what you call bipartisanship, "partisanship," or "punchinism," or whatever else you want to call it, because we could truly hash it out in that room and no one not believing that what it is that they were in there to bring to the table was not in the best interests of Bermudians, because that was the mantra from the very beginning.

And so, the evolution of a committee is definitely something that I think I can say that I am going to begin my words with today, because I am extremely proud of it. And I think that my colleagues became a little, even closer to me, although I was not able to—

**An. Hon. Member:** No.

**Mrs. Renee Ming:** I was not able to convert any of them, Mr. Speaker. I will note that my colleague, Mr. Smith, is wearing St. George's colours today. So—

*[Inaudible interjections and laughter]*

**Mrs. Renee Ming:** He is wearing the light blue—

**The Speaker:** He had a little sympathy for you today.

**Mrs. Renee Ming:** —and dark blue colours today, Mr. Speaker. And around Cup Match time, not only did immigration become difficult to discuss, Mr. Speaker, we had to talk about Cup Match in those meetings as well. So—

**The Speaker:** And we know who won that one.

**Mrs. Renee Ming:** Well, it was never a clearly defined winner until August.

**The Speaker:** And the Cup stays here as always.

**Mrs. Renee Ming:** And for me, thank the Lord, we were on a break during that period.

But on a more serious tip, I thank my colleagues. I think that there are times when we all can get passionate. And what you saw in our committee was the passion was there, but we learned to also create balance. And, as we moved forward, that became very important.

I will say this here because it is . . . you know, you have a saying, Mr. Speaker, *what happens in Vegas stays in Vegas*? What happens in the National Security room stays in the National Security meeting room. But I do not think any of my colleagues, including the Minister, will forget September 26, 2019. It is probably one of those dates that is forever etched in our hearts and minds because what we accomplished . . . what we accomplished, I think, was something from our . . . for our country, amazing. And I will leave that part at that, Mr. Speaker.

I would like to also thank the technical officers, the Ministry of Education, the Ministers—and when I say Ministers, I say both. I say Minister Brown, who is not with us today, but he is the one who actually put this committee together. And also, to Minister Caines because he and me—he is a Somerset guy, but he kind of was able to pick up and—

**The Speaker:** That is what makes him such a nice guy.

**Mrs. Renee Ming:** —get things going. But I think we have moulded him now, Mr. Speaker.

I have actually . . . and I say this in a serious way, because I think I even saw the . . . and my colleague said it right. We saw the Minister evolve as well. And so, two years' worth of work and we saw many positive things evolve and happen in that time.

It would not be proper to not thank the technical officers because we had lots of questions. We were not immigration experts. And between Ms. Azhar and her team, Dr. Ming, we were able to get the answers that we were looking for. Sometimes they were not the answers that we wanted, but they were the answers that we needed to hear as it related to immigration, immigration reform, and mixed status families.

So, I think it would be improper for me not to thank that team.

And I also thank PS Anderson because, he too, lived through September 26, 2019. And I believe he evolved as well, Mr. Speaker. He is smiling down there now. That is because he, too, evolved. I do not think he was smiling on that day, I have to say, Mr. Speaker, but we will grow—

*[Inaudible interjections]*

**Mrs. Renee Ming:** We have grown.

So, Mr. Speaker, it is hard not to talk about immigration in Bermuda and not look at the history of it because . . . part of being on this committee, I used to . . . you want to know what people are thinking and you want to know how they feel about things, because at the end of the day Bermuda's greatest asset is her people. And so I spent a lot of time talking to people about immigration.

And the persons who are a little bit more mature than me, they have a lot of hurt—some of them with regard to immigration. And I understand that and have actually grown to appreciate their experience because it was not my experience in some cases, Mr. Speaker. Maybe I am the benefactor of their experience, but I can definitely tell you that I learned to appreciate why Bermudians feel very apprehensive about it.

For many years it was not a tool that was used, in any way, to promote them. It actually was a tool used quite the opposite. And so the minute you start talking immigration to some Bermudians, they immediately get some angst and they are upset about it. And this is understandable, Mr. Speaker, because the history of the Act has not always been what the Act should be. Because we actually . . . we say Immigration Bill or the Immigration Act, that this Act is actually called the Bermuda Immigration and Protection Act. And so it is the protections in it that should allow us, as Bermudians, to feel comfortable, because we should always be comfortable in thinking that whoever is in Government would be protecting us. And I do not think that this has always been the case.

And from my side of it, Mr. Speaker, because I do not have as many years as you and many of my colleagues who sit in this room with me, when I sat in the Senate, 2015 was probably my very first time encountering immigration at that level. And that was the time the Senate was pretty much taken over by the crowd of people. And so, we were sitting there as Opposition Senators, with our back to the crowd at that. I must admit, and when you have an influx of 80 people coming into 27 seats, you know you have got a bit of a problem or an issue. And so that was, you know, one of my first encounters.

And to hear the passion [and what] people were saying and the shouting and the going . . . you know, even just questioning *why are we doing this?*

And things like that. And it was my first time also understanding that you cannot do immigration without some level of consultation. Because at any point in time, if we do not bring those people with us to an immigration discussion or changes, amendments, whatever, Mr. Speaker, we have an issue.

And so that evening was unique, because I think we had 200 people upstairs in the Senate room, between the room and filtering outside. They could not even close the door that night, Mr. Speaker. We probably had another 300 outside on the lawn. And so we had to recess the Senate for I think it was probably two and a half hours before we could come back and actually debate the Bill. And we ended up having to have police officers make their presence known around the Senate Chamber and outside on the Cabinet grounds.

I can tell you this here: That most immigration things, when you go home . . . and I do, I have had a pounding headache almost because it just eats at your gut. It is just . . . I do not even know how to describe it in words other than that, Mr. Speaker.

And my next time I think was March 4<sup>th</sup> to 11<sup>th</sup> 2016. So, I experienced something in 2015, and we experienced something in 2016. And Mr. Speaker, that was when the persons—the Bermudians—actually took over the House of Assembly, and we were not able to get into the House of Assembly. And that, in itself is, again, Mr. Speaker, unprecedented. But it shows you the level of passion that Bermudians have with regard to immigration. And can you just imagine . . . I actually looked at the pictures last night, locking arms around *their* House—because it was not even our House then; I believe it was their House—and doing exactly what they thought they needed to do.

And so, we speak a lot about immigration and the historical context, but these are . . . I am telling you about something that happened in 2016. And that was not that long ago, Mr. Speaker. That is less than four years ago . . . now it is about four years ago, because it was March 4<sup>th</sup> to March 11<sup>th</sup>. And so, we are not saying that these things happened oh, 20 years ago or whatever. And it showed this. It shows you that no matter what, even with the passing of time, immigration remains passionate. It is a passion, it is emotive and it can bring out the best in us and, at times, I believe, it can probably bring out maybe some of our worst as well. But I do not think that that is . . . because the other thing is that it was not used, in historical years, as a positive tool.

I think that this committee and our Government have an opportunity to change that. I think one of the steps of even having a bipartisan committee was a step in the right direction because it was not that the Government party was making all the decisions and only hearing one part, because we all came with our stories. We all came with things that our constituents had relayed to us and questions about cer-

tain things. And I think that this is what makes it wholesome.

I believe that I trusted when Leah [Scott] and Ben [Smith] and Chris Famous would come and say, *Well, you know, my such and such a person brought up and they asked about X, Y, Z.* Because it was all of those variances that helped us to formulate what you see in front of you today. But the question is, Do I believe that this is the do-all, end-all? And my answer would be no, right there, Mr. Speaker.

**The Speaker:** Mm-hmm.

**Mrs. Renee Ming:** And I think most of us who have spoken have said that. And that is because we believe that immigration is fluid.

I truly do think it is. I think that as we move forward there may be some things we may need to change with regard to this Bill. There may be some things that need to be added and maybe even 20, 30 years from now, when most of us may not be sitting here, the new legislators may want to do things a different way. And you know what? I think that anybody who stands up on their feet and takes on the mammoth task of immigration . . . I would applaud them, Mr. Speaker.

Our Island, which is just so rich in its heritage and we have been so blessed . . . like we have the most beautiful beaches, in my opinion, Mr. Speaker. We have the most beautiful trees, in my opinion, Mr. Speaker. And I believe everything is beautiful! I mean, at the end of the day, this is Bermuda, right?

**The Speaker:** Yes.

**Mrs. Renee Ming:** Now, if I was speaking on another topic I would say that most of the most beautiful things actually are down the eastern end of the Island, Mr. Speaker, and that is because it is where it all started.

**The Speaker:** You just slipped.

**Mrs. Renee Ming:** But that is not what this—

**The Speaker:** You were on a good ground, you just slipped.

**Mrs. Renee Ming:** —discussion is about today, Mr. Speaker.

**The Speaker:** You just slipped.

**Mrs. Renee Ming:** So—

**The Speaker:** Yes, you just slipped.

*[Inaudible interjections]*

**Mrs. Renee Ming:** Mr. Speaker, I am going to stay on track—

**The Speaker:** Yes, yes, come back to your higher ground.

**Mrs. Renee Ming:** —today, Mr. Speaker.

*[Inaudible interjection]*

**Mrs. Renee Ming:** And because the topic is sensitive and it is emotive and one that I think is near and dear to each and every one of our hearts, at times it does cause angst and fear. So, we have seen it divide us and separate Parliament, and we still have some work to do there, Mr. Speaker.

Like I said, I was truly happy to be part of this bipartisan committee. I think that the word, like I said to you, “protection” is one that we need to focus on. I think when you stop just saying “immigration” and the Bermuda Immigration Act, this is actually the Bermuda Immigration and *Protection* Act and we owe that to our people, to ensure that we are always protecting them.

Mr. Speaker, one of my colleagues said, and I wrote it down the day she said it because I knew that it was something that I could use throughout my time here. She said, *History is a great teacher and a resource.* And to start . . . when we started looking at immigration, you have to go back and look at the historical side of it. And Bermuda has a good, a bad, and an ugly history as it relates to immigration; but it is our history. So I do not run from it; I do not think any of us can run from it because that is our history.

So, as we move forward with what immigration reform looks like, there are other things that need to be worked on as well. I look forward to producing a new immigration policy on immigration work permit policy because I think that this is another nuts and bolts, and teeth of what immigration reform should be in Bermuda. We have a policy right now that, I guess, for its day and its time, Mr. Speaker, was probably a good document, but there is much work to be done in that document as well. I am hopeful that we can move swifter as we look at what that policy looks like and that we can get to a consensus and agreement and a final document much sooner than we did in terms of this legislation.

But I can say this here, the old timers say it and I believe in it, *Measure many times, and you cut once.* But Mr. Speaker, I believe in that policy. I heard it so often from my grandparents. But I do believe as well that at times you are going to go and you are going to take something back because . . . the new term is “wip” because it is a “work in progress” and that means that it is something that we will constantly be looking at in terms of changing, improving, and enhancing.

So, Mr. Speaker, with that I just want to say that I am pleased to have been involved in the com-

mittee. I am happy with what we have in front of us today. I do think, like I said to you, it is not the panacea. There are some who will be happy and there are some that will not be happy with it. But I think we can agree that we have started. And we still have some way to cover before we will finish. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 22. Honourable Member Pearman, you have the floor.

**Mr. Scott Pearman:** Thank you, Mr. Speaker.

Mr. Speaker, I do not know if last night with all the toing and froing with the crises we are currently facing you had an opportunity to put the television on and watch the crisis being discussed during the Democratic debate in the United States, but it was a rather interesting debate because we had two men, both white, and I won't call them "old" but certainly each of them are near the end of their political career. They are seasoned veterans.

And what was interesting to me, Mr. Speaker, now that I understand a little bit more about legislation than I did a year and a bit ago, is how they were arguing with each other about who voted for which Bill [and] when. And one of them would say, *Well, you voted for that Bill in 1970-something*. And the other would retort, *Well, you voted in that Bill in the 1980s, and how could you have done that?* And they were both trying to catch each other out because in America the Bills are even more complicated than here. And legislators in the United States will tack in little bits to the Bill, little hidden amendments, and then they are stuck. Because do they vote for a Bill that most of it is good and parts of it are bad? Or do they not vote for the Bill? Is some progress better than none at all?

And when you stand up and discuss a Bill that is clearly not perfect, but is good in most parts, what do you do? Because Bills are not that easy to wrestle with, and it is tough to balance the competing views and to find a positive outcome. It is tough.

Mr. Speaker, it is even tougher to do that, I suggest, if that discussion is happening in the context of a committee, and in the context of a bipartisan committee, because the people who sit on that committee may start to gain friendships with the others from the opposing side. They start to make concessions; they start to behave in a more collaborative way. And then they come back to their own caucus room and I bet they get it in the eyes. And I mean both caucus rooms, not just one side.

There is a saying, Mr. Speaker, and I think it is appropriate, *A camel is a race horse designed by a committee*. And there are different viewpoints, and it is tough. And why is it tough here? Well, it is tough here

because in our little Island, as the Honourable Shadow Minister Sylvan Richards said when he opened the batting order for our side, he said, *Immigration is a delicate issue*. And that it is. And it is a delicate issue because we are asking a very difficult question. We are asking of ourselves the question, Who is a Bermudian? And that is a very difficult question, indeed, because it does not lead to a clear answer no matter who poses it, and no matter who answers it.

It is not clear in my mind who is a Bermudian any more, I suggest, than it is clear in anyone else's mind in this room. Who is a Bermudian? We all may all have different answers. And immigration, in any country—not just Bermuda, in any country—is a bit of a lightning rod. As the Honourable Member MP Ming said, when you are dealing with immigration, you are in the hot seat. And I entirely agree.

Now, to some, immigration is all about history. And the anger about which that history. . . people still feel [anger] today, and rightly so. And to some, immigration is about votes. And what does that new voter look like? And who will he or she vote for? And to some, immigration is about human rights. Why is this person over here to my left a Bermudian, when this person over here to my right, who looks awfully similar, is not Bermudian? And so for some it is a human rights issue. And for some it is all of those issues: history, human rights, votes.

And so I do want to say, mindful of the debate last night, *you voted for this, you voted for that*, that this Bill does have my support, Mr. Speaker, notwithstanding that I think it looks more like a camel than a racehorse. And so I acknowledge and want to say that this committee deserves our thanks because we have seen collaboration, consensus, and concession; none of which I suspect was easy for those involved. And again, most of them, if not all of them, probably got a fair bit of flack from their "side."

Mr. Speaker, I am careful, and I am trying carefully not to politicise this debate. I know that some who have spoken already chose to do so and others may choose to do so as well. But I am trying not to because I think it is such an important issue for our Island and our future.

I would like to say also that the Minister, Wayne Caines, deserves our thanks. To get this Bill here undoubtedly took leadership. And I wish to acknowledge that. And I suspect that it took no small amount of courage by him or by those on his committee because there will be fallout from all sides. So, *well done*, to him and to them, because people looking at this Bill from any perspective will see a camel.

It is a camel. And some who see a camel might get angry that it is a camel. And my own viewpoint, for what it is worth, and perhaps it is not worth that much, is this Bill does not go far enough, given where our Island is today, and the dramatic need that we still have for comprehensive immigration reform.

So my view, this camel is not a racehorse. It does not go far enough. It is not comprehensive.

Now, immigration reform and the immigration legislation are complicated. All of those who have been involved in it acknowledge it. Lawyers who deal with this Act acknowledge it. And maybe—just maybe—it would have been a better idea to start with a blank sheet of paper and go forward. But I am not going to focus today, Mr. Speaker, on what could have been. People are going to stand up and they are going to say, *Perfection is the enemy of the good. And this is progress and we should take it.* And we have heard loudly and clearly from the Government that this is phase 1. And that phase 2 is on its way. So when I look at moving forward on this issue, I look at the windscreen and not the rear-view mirror of what might have been.

Let me speak for a moment, Mr. Speaker, about what this Bill does achieve, because I think those who tend to identify this Bill by way of shorthand have said that this Bill is about mixed status families. And, Mr. Speaker, that is right, but actually this Bill is about more than just mixed status families. This Bill is also about adoption and this Bill is also about those who hold permanent resident certificates (what we call PRCs) and about their dependents and the creation of a window for their dependents. So it is incorrect, respectfully, to those on any side of this debate to narrow the description of this Bill to mixed status families. It is not merely about mixed status families.

And I do want to repeat what I said a moment ago, which is that the Immigration and Protection Act 1956, is an absolute mess. Now, I am a lawyer; I may be a good one or a bad one, depending on people's viewpoint. But I am a lawyer none the less, and I have looked at this Act. I have tried to read this Act from cover to cover in my day because people want advice on immigration in Bermuda. And it is difficult, I will tell you, it is difficult. Anyone who tells you they understand it, I do not believe them for a second.

It is like an old house which has been around, it has been around since 1956; right? Almost 70 years. And through the years we have had electricians come in, maybe a dozen, maybe 20, and they have all tinkered with this, that and the other. And it just doesn't all connect anymore. And it is, sadly, a missed opportunity not to have started from the beginning, perhaps. But just because the wiring does not always work, does not mean that this bit of tinkering won't improve this aspect of what it is looking for.

So I acknowledge that it is complicated. And when I come to address, as I will in a moment, two particular problems that I see in this Bill, I do that against the background of accepting the complexity of the 1956 Act as a whole. And I do so, again, not in an attempt to be political, but in an attempt to point out two easy fixes that are here in this Bill which could be fixed for all concerned.

Now, the first one is the concept of retroactivity. Now that is a complicated word, but "retroactivity" means starting from today and looking forward and only impacting those from today onward, and not creating parity or equality and starting from today and going both forward and backward at the same time. So this Act will only affect children born abroad after the Act has passed both Houses and received the assent.

Now, why is that an issue? Is it an issue because we say, *Well, it would have been nice if you had retroactivity?* Well, no, it is an issue for practical reasons. And let me give you a practical example, because the absence of retroactivity creates oddities and inequalities. And let me give you an example. And I accept, it is an extreme example but it is an example that proves the point.

Let us suppose that this Bill comes into effect on the 1<sup>st</sup> of June 2020. And let us suppose that the night before off goes a Bermudian into the hospital, she is abroad somewhere. Off she goes to the hospital, carrying twins. And at 11:58 on the 31<sup>st</sup> of May she has one baby and at 12:05 am out comes baby number two. Now in the absence of retrospectivity, the second child is Bermudian, the first child may not be. And to me, that oddity, that inequality, just does not make sense. And so in terms of the first of the two points that I wish to address, I would ask this Government to just rethink about the retroactivity points, the retrospectivity point. Because—

**Mr. W. Lawrence Scott:** Point of order, Mr. Speaker.

**The Speaker:** Point of order.

#### POINT OF ORDER

*[Misleading]*

**Mr. W. Lawrence Scott:** The Honourable Member is misleading the House. Even though it may not be retroactive, it does not prohibit a person who is born prior to this Bill being passed from gaining Bermudian status. This Bill also allows for a streamlined process for those who are born prior to it, which is why there is no retroactivity.

**The Speaker:** Continue.

**Mr. Scott Pearman:** I will deal with the interjection because it is an important point.

I stand by what I just said. I believe that is the correct interpretation of what this Bill will do as a matter of law. I appreciate that the Government has announced there is going to be a streamlined process. If I may respectfully suggest it, there would be no need for a streamlined process if both babies had the same legal position. The only reason we are discussing a streamlined process is because both babies do not fall in the same basket.

If they had the same legal rights under the Act, why do you need a process? You don't. I accept, to be clear, that the first child could through another mechanism under the Act find a way to be a Bermudian. If you have deemed domicility, et cetera. And these are complicated ideas; I know.

But let's take the extreme example and let's make it a little less extreme. Let's say that this is a Bermudian couple living overseas and probably children of a Bermudian because they would not necessarily have deemed domicility, and they have two children but not twins overnight at midnight, which is unlikely to happen, but two years apart. A child was born a year ago before the 1<sup>st</sup> of June last year; a child born on the 10<sup>th</sup> of June this year. The children might be 10, 12, 14 months apart. But why is the little girl born first not necessarily Bermudian? When the little boy born on the 12<sup>th</sup> of June after this Bill passes, Bermudian? To me, it just doesn't make sense and there could be a retroactive fix.

I accept that there are other pragmatic ways that could be dealt with by way of the process. But it is an oddity and I think retroactivity would solve it. It will mean that there will not be constituents coming to all 36 of us and saying, *Why do I have two children one who is Bermudian and one who is not?* And those children can look anything—these are not white children or black children. They are not men or women. I mean, it is *Bermudian* children that we are dealing with. So I would respectfully say that this is a fix that is worth considering further to make this camel a little bit prettier.

The second issue that we have with the Bill is this notion of a generational aspect . . . sorry, before I move on let me just also make clear that this issue of retrospectivity applies to adoption as well, not just natural born children. So someone adopted a year ago and someone adopted a year hence, you still are going to have a problem.

Turning to the second of two issues, this generational aspect. Now, I think I understand what this Bill is trying to achieve by introducing the notion of grandparents and lineage into the obtaining of Bermuda status. What the committee seems to be doing here is saying, *You shouldn't just be Bermudian because your mother or your father was Bermudian, you should be Bermudian because your grandmother or your grandfather was Bermudian.* And I understand that this is a goal. And this is a laudable goal and it could be debated as right or wrong. But that is what the Bill appears to be trying to do.

Where the Bill has a technical defect is that sometimes those grandparents, I'll call them the first generation, parents are the second generation, the child—the new Bermudian child, potentially—is the third generation. So first generation grandparents are Bermudian, but that child (the second generation, the parent), has been born abroad and because of a technical defect in the current legislation does not

have Bermuda status. Right? Because they are not deemed domiciled, is the most likely reason why they wouldn't. And now this Bill seeks to pass Bermudian status from the grandparent, first generation, down to the child, the third generation. Now that is commendable. And if that is what this Government decides to do that is up to the Government.

What it has not solved is a problem where you have first generation Bermudians, grandparents; third generation Bermudians, grandchildren but the generation in the middle, the second generation is still not Bermudian.

Now, there is an amendment that has been moved, and you will have heard the Honourable Shadow Minister Sylvan Richards, say that the amendment tries to fix it in part but not in full. And I respectfully agree with the Honourable Shadow Minister. The amendment fixes it in part but not in full. How does it try to fix it? It tries to fix it by saying this middle tier, the second generation, the non-Bermudian parents . . . if they are Bermudian can pass it automatically to the third generation, the grandchild, so that is the fix that is being done by the amendment. And that is good, that is a good fix because it solves part of the problem. But it does not solve the whole problem. Let me tell you why.

It does not solve the whole problem because if you . . . reaching down from the first generation to the third generation, if that middle generation are still non-Bermudian, if they cannot establish the deemed domiciliary, then you have a three-generation family where the grandparents (or grandparent, singular) are Bermudian, where the grandchild is Bermudian, but the parent is not. So you are enshrining in this change a mixed status family, generationally. And I do not think that this was intended by the committee and I respectfully suggest that this can be fixed. And that the current amendment proposed in my respectful submission . . . and I accept that it is complicated, and I might even be wrong about this. But as I read it there is a fix. There is still a further fix needed. And I see that this may be under consideration.

So, in closing, Mr. Speaker, who is Bermudian? Well, that is a question still in search of an answer and we may never get that answer. But today we have incremental improvements to a very complicated Bill, a very complicated existing Act. And whilst this Bill is a camel and not a racehorse, I certainly do support it and would invite the Government to consider correcting the two problems that we have identified. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member Commissioning. Honourable Member, you have the floor.

**Mr. Rolfe Commissioning:** Mr. Speaker, thank you.

The Member who just took his seat, and I do enjoy listening to him as he makes us really think about these legal theories and the consequences of these actions that, in law, need to be considered. I am sure that these were questions that both sides of the aisle in terms of the joint committee on immigration, if that is the proper title, the bipartisan committee, grappled with in their deliberations.

Forgive me for saying, the only way we are going to find out *Who is a Bermudian?* is by perhaps becoming an independent country. First of all, I hear the term “Bermudian” being used, and as a lawyer, maybe not a constitutional lawyer, he would be aware that nowhere in our own Constitution, the most supreme law of the land, if I may, does the word “Bermudian” exist. It is found nowhere in our Constitution. We are going through all these hoops in large part because of that. This is a colonial construct upon which we are trying to create amendments which are going to create more equity for those who have little in this regard.

Who is a Bermudian? What is a Bermudian? These are issues that our Constitution is silent on. In many countries it is more straightforward. In the US if you are born in the US, you are an American citizen. In other countries, I am not going to give any specificity, perhaps in Europe and other places it does not depend on one being . . . or one cannot achieve citizenship simply by being born in that particular country. So these are the accretions that we are putting on this creaky horse called the Immigration and Protection Act 1957 *[sic]* . . . 1956, thank you. A year before I was born; and we still haven’t got it right.

So, what are we conferring? We are conferring, not Bermudian status, in real terms—if there are any lawyers in the room, they can correct me. We are conferring or expanding the notion of who belongs in Bermuda, the belonging status is what is at work here. The issue of immigration has been the real third rail of Bermudian politics. Not education, mind you, Immigration has been for decades. The third rail is the rail that is found on urban train systems that are powered by electricity. So in New York City, for example, the train station, you have that third rail. You dare not touch it or you will never live to talk about it, in most cases.

So this has been the third rail of Bermudian politics for decades, in the modern era. We are sharply divided upon this based upon what I finished talking about earlier, and how this issue has been inextricably tied into the questions of race and power in the modern Bermuda of which we have been born into and upon which we are grappling with ourselves in order to create a more just and perfect society.

I thought that this bipartisan committee had a huge task ahead of them when they were empanelled. We too in the joint select committee in consideration of a living wage had significant challenges which remain hidden behind the scenes that never saw the light of day in terms of the fights that occurred. But I

would say that with this bipartisan committee you could times that by probably five, six or seven because the issue of immigration is so fraught with these fault lines along race and class.

*[Inaudible interjections]*

**Mr. Rolfe Commissiong:** Exactly. In particular.

I thought that the fact that we did not begin by going down the road of comprehensive immigration reform, in the end was a practical response to that house of cards called the Immigration and Protection Act 1956. Because remember the view back prior to the 2017 election for many, particularly on this side of the aisle, was that this legislation was not fit for purpose in the 21<sup>st</sup> century. And so persons like our dearly beloved colleague, Mr. Walton Brown, argued in favour of having a root and branch reform of the whole Act. But that would have led to dominoes collapsing around so many other pieces of legislation that depended upon it that in the end it was deemed to be impractical.

Again, getting back to this metaphor of the accretions upon this dead beast called the Immigration and Protection Act around the issues of who we are as a people and who should be part of that legal framework which determines who belongs in Bermuda and who does not. Let’s go down memory lane to some degree because while we want to tiptoe around it, like I said, in terms of this immigration issue, it is fraught with the issues and the fault lines around race in particular. And I said before many times, Mr. Speaker, over the last two, three, four years that it has been particularly my parents’ generation and my generation, I am now in my 63<sup>rd</sup> year, so let’s say for those persons who are over 55 years of age, black Bermudians who have been most opposed to some of the efforts of totally liberalising our whole immigration regime.

And the reason behind that is because those two generations, most of whom are still living—although as you know the older generation, my parents’ generation continues to pass away at a gathering pace—these two generations, in my view, were those most disadvantaged by the racialised immigration policies that were put in place immediately after World War II, as you get into the 1950s and 1960s and 1970s and 1980s.

And I want to illustrate that point and how immigration was so tied into the way that power was dealt with here. The desire of Bermuda’s white elite was to maintain their dominance over Bermuda, to preserve white privilege in the country at both the political and economic levels, which so drove their actions in the 1950s, 1960s, 1970s, and 1980s. The vast importation as outlined by Walton Brown’s book, of largely foreign workers, overwhelmingly those from the commonwealth, overwhelmingly English, or from the UK, during that same period. You had a massive



increase of immigration, for example, between 1960 and 1970 to a tune of a 66 per cent increase, overwhelmingly persons from the commonwealth, overwhelmingly from the UK, to a lesser extent Canada and Western Europe.

This sort of illustrates part of the point here. I found this seemingly innocuous article in the Lifestyle section of the <sup>2</sup>*Royal Gazette* not too long ago, probably about four, five or six weeks ago. The lady (who I am not going to name) came here from Canada in 1953 or 1954. Let's just call her Jane Doe. And in the article she opines, remember it is the Lifestyle section; it is light and airy, about how she found Bermuda to be a virtual paradise. And it says, circa 1953 or 1954, [We went down to Bermuda] "we were going to find" (if I may, Mr. Speaker) "jobs and have an adventure."

**The Speaker:** Thanks for getting permission.

**Mr. Rolfe Commissiong:** Thank you, sir.

I continue, "We went down" she says, "to the Elbow Beach Hotel . . . We went in with our little secretarial certificates and said we were looking for a job. He said 'You're hired.' In those days you just came for a job and got it, as long as you were qualified."

The point of this, Mr. Speaker, at that point in time we had a family friend, who is still alive now, by the name of Marian Dismount, (many of you would know her), who my parents described as having come out of Berkeley along with hundreds of others at that time and who applied for a job at Trimingham's . . . now remember, she was well qualified, went to Berkeley, could have achieved so much more than just going for a job at Trimingham's, in a just world, but that was what she thought would be the best that she could do. And went to that place and applied for a job and her application was rejected because she was not white. At the same time, virtually newly arrived Portuguese migrants, women, were working at the same Trimingham's and they could hardly speak English according to the reports that I got from my parents at the time.

This is the world that this lady walked into. There is no mention of this. No mention of this great disparity, the levels of racial discrimination that were happening right in front of her eyes in this retrospective. How many thousands perhaps, no less than hundreds, who may still be alive who came under similar circumstances to Bermuda in the 1950s, 1960s and 1970s and who also benefited from the degree of white privilege that was afforded to migrants coming in at that time?

So when I say that those policies, upon which I might add, there were black members of the UBP at the time who felt that these policies were totally anathema, one resigned (I forget his name) from the UBP, he was a senator. We know that Dr. Gloria McPhee

sometime later also cited that this was one of her key reasons for resigning from the party, we know that this was what was happening then.

And Mr. Speaker, I might add, this became a pathway for social mobility for these people. They were able to obtain good jobs, able to earn the types of income that black Bermudians, many of whom were more qualified than them were not able to achieve and were able to accumulate wealth in Bermuda far more than black Bermudians, many of whom had been in this country for decades and centuries. So the roots of our racial disparity even in the modern era are perpetuated as certainly even during that time when Bermuda was seemingly democratising. So these are the deep scars that are left with us.

We know this Immigration Bill is only a first step. In fact, it could get even messier, or I will put it this way, the task ahead when we are dealing with work permits and other issues around immigration, it is going to be even thornier. We know that! If we think we have a divide, or we had a divide around this issue of mixed status and repatriation, or the *repatriationality* around this Bill, about the, you know, Bermudian children born overseas, wait until we deal with the other issues because it is certainly going to get very, very intense.

I thank the Minister, Minister Caines, for his hard work. And let us not forget the good work that our former colleague and Minister Walton Brown performed in this regard. This party, on this side of the aisle (without indulging into too much partisanship), made a commitment that we would address the mixed status issue and we have delivered. With the help of our colleagues on the other side of the aisle, I am glad that this in turn is still going to be considered a bipartisan Bill. It has the support of both sides. Hopefully, when we get to the really, really, really thorny issues ahead, we can maintain that degree of comity and sense of national purpose. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 23. Honourable Member Gordon-Pamplin, you have the floor.

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

Mr. Speaker, I too am thankful and grateful to the Members of this bipartisan committee for their dedication and for the efforts that they have put into being able to bring to us for consideration today a Bill that starts the next step down the road to what might have been, hoping to have been, total immigration reform but certainly making this small step.

Mr. Speaker, the issue of mixed status families, . . . both mixed status as well as adoption, my honourable colleague, Scott Pearman, from constitu-

<sup>2</sup> [\*Royal Gazette\*](#), 18 February 2020



ency 22, spoke of some extreme cases in which the difficulties that are perceived could occur under the present wording of the Bill have been articulated so there is no need for me to go any further into that. But I think it is important as we speak to note that of the four Members within the committee, not the Minister, but the four Members of the committee all came today with a unanimous refrain which said, *There are changes that will need to be made*. And when you have that degree of unanimity, I must question why didn't we make those changes on which they all seem to have agreed before bringing this draft here?

We are coming to say, *We know this is deficient, we know we could do better. We have been sitting on this for almost two years, but we are going to bring it now*. I just think that sometimes all motion is not necessarily progress, Mr. Speaker. I think that if it has taken us two years to get here, it has become, to my mind more than *the Government committed to getting you something*, as opposed to, *Let's get something that is not just acceptable that everybody can embrace, but something that also is right*. So I applaud the work that they have done. I applaud the bipartisanship that went into giving us what we have today.

But the one thing I want to point out, Mr. Speaker, which I believe to be important, is that just by virtue of my chronological being, I am Bermudian. But I am a first-generation Bermudian. My father was from elsewhere. And I can say without fear of contradiction, that I am happy that I am not in the position that I am in today, that I was not in the position then of having to adjudicate his presence on this Island. And I am not in an isolated case, Mr. Speaker, as being one generation down, and in some instances maybe two, from somebody who was not from here, and somebody who was deemed to have contributed to this country positive things.

As one Member, I am not certain which one it was, but one Member said earlier that we have people (I think it was the Honourable Member Ben Smith), here that we cannot look at their presence as being foreigners as being all bad. And neither can we look at a situation that says, *Okay, I have made it through because my dad was accepted and we did not have this immigration challenge*. I am not talking about the racial challenges and all the other challenges that people are going to say, *Well, your dad suffered this and he suffered that*. Yes, all of that. But from an immigration perspective, in which he was not only invited, but also embraced to come and live and work and stay and contribute . . . I am the beneficiary of it. I cannot say, *I'm okay Jack. Now let's pull up the ladder*, because I just seem to have a more benevolent approach and attitude toward those who might otherwise have a compromised status in terms of where they stand in their contribution to Bermuda.

The Honourable Member who just took his seat probably understands that of which I speak be-

cause he spoke of a letter that he read in Lifestyles, or an article in Lifestyles recently, that spoke to some privileges that people were able to have historically, saying, *I waltzed in the door and I was able to get a job just because*. And those who were born here may not have had sufficient favour in their job applications to have been considered.

But you know, it depends, the criticism that is mounted around that particular benefit that some had and some did not, really just depends on how people have landed further down the road. Because we have somebody who speaks for an organisation that supports getting together and racial harmony who came under the same circumstances as a secretary from the UK and came over. And it all depends on how you get involved and with whom you choose to affiliate and associate as to whether your contributions are deemed to be acceptable and somebody else's contributions are not. And both of these people to whom I speak happen to be white. But that is of no consequence, Mr. Speaker.

I believe that as the Honourable Member from constituency 1 indicated, this legislation is not the panacea. The Member indicated that we need to add some things. It is not the be-all, it is not the end-all. And I do not doubt that, as my colleague says, it is not perfect, but it is a start. There are some times when we have to bite the bullet and say what we are presenting could be made better in very short order with a very simplistic amendment. However, we seem to get a little bit of pushback as to whether we want to embrace that amendment at this point in time. So what we do, we put it on the table, we let it pass in the manner that we presently have it, we move down the road . . . because it placates people at this time.

**The Chairman:** Mm-hmm.

**Hon. Patricia J. Gordon-Pamplin:** As legislators, is that our job? Is that our responsibility? Or do we have a deeper responsibility to look at what is the impact of what we are trying to do and how do we put it right?

We are not going to satisfy everybody in the same measure. I think that the time that you know when you are doing a good job is when everybody seems to have a little bit of unreadiness about what you are doing. Then you probably think, *You know what? This person they do not like it 100 per cent. And this person doesn't like it 100 per cent, and I can't satisfy 100 per cent over here and 100 per cent over here, but maybe if we can come with a 90/90, on this side and this side, then maybe as legislators, maybe we are doing it right*. And I think that what we need to do is not tiptoe through the tulips.

**An Hon. Member:** Exactly.

**Hon. Patricia J. Gordon-Pamplin:** We need to be able to take bold and assertive steps to say that this is

what would create a good piece of legislation, that we do not want to perpetuate a situation where we have a mixed status family issue that was identified as being a mixed status family issue because that is what caused the discussion, and then we end up with a solution that does not fix the issue that identified that there was an issue. Somehow that just doesn't seem to make an awful lot of sense to me.

However, I do know and recognise that if we fix the issue somebody is going to be upset. And, Mr. Speaker, the question is . . . and what?

**The Speaker:** Mm-hmm.

**Hon. Patricia J. Gordon-Pamplin:** The sun is going to come up tomorrow if we fix this issue. The sun is going to come up the next day if we don't fix the issue. However, the sun can come up on a country where we are embracing one another and walking forward together in a harmonious manner and find that all the other things that we found that were pulling away and tugging away at us as a good and cohesive community, some of those other things will fall away.

And I am not suggesting for one second . . . In case anybody has any fear of what it is that I am suggesting, I am not saying that we bend over backwards and sell out and bring in something that is not for the better good of everybody here. But I am saying that it is important that we recognise that there are circumstances and historical circumstances that we have where the examples that have been set show that we do not have to fear taking bold action. And what we have done today in certain measure, we brought a step here, actually we have brought three particular segments to this particular Act, but what we have done is we are tiptoeing. We are tiptoeing, Mr. Speaker. And I wish we would not do that.

Do you know, when I think, just this past week I had occasion to attend the homegoing service of the parent of one of our Members, and during that service, Mr. Speaker, it warmed my heart to see the history of that deceased wonderful lady's journey to Bermuda. Some people, you know, would have come from point A to point B and they go to that country to marry their spouse. And in other instances, such as in [the case of] my great grandmother, and my grandmother, they came to this Island *and* married their spouse. And there is a distinct difference.

You come and you are embraced and you infiltrate yourself within the community and you make your positive contributions and you raise your family and you are not hassled by external forces that say *you don't belong*, and then all of a sudden we are fine. We are here. Our first generation has come. Our first generation is here. And our second generation is here. And then in other instances you have people who have come and they are making their contributions and their first generation is here, and we are fine. But is that fair? When we hear about fairness, are

we really being fair when we say, *We are okay Jack. Let's pull up the ladder.*

I say, Mr. Speaker, we need to think a little bit further. Just go a little bit into the zone of the uncomfortable, because you cannot satisfy everybody. And sometimes if we go into that zone when it becomes a little bit uncomfortable, then chances are that we are going to get it right. And when we get it right, we are going to have a far better country that will be far more cohesive and where you will find that going forward the cooperation between Bermudian people who have generations behind them, and those who only have one or two will be treated the same. Because what is interesting, Mr. Speaker, is that as time has gone by immigration has become a lightning rod. It has become a racial issue. But what is very interesting to me is that the same method by which my dad was embraced and loved and encouraged and embroiled and focused in this community, his mother would not have been accepted on racial grounds. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

Honourable Member Weeks, would you like to contribute at this time?

**Mr. Michael A. Weeks:** Yes, Mr. Speaker.

**The Speaker:** The floor is yours.

**Mr. Michael A. Weeks:** Good afternoon.

**The Speaker:** Good afternoon.

**Mr. Michael A. Weeks:** Mr. Speaker, we have heard a lot of different variations of how we view this Immigration Bill that we are debating. But as I start I would like to start off by thanking the Minister for having testicular fortitude.

*[Inaudible interjections]*

**Mr. Michael A. Weeks:** Mr. Speaker, I hesitated because I was . . . somehow I got a little twisted. But anyway, Mr. Speaker, [I want to thank] he and his team, because we have talked about immigration reform for the last four or five years, comprehensive immigration reform, Mr. Speaker. I would also like to thank the former Minister, our dearly departed, the Honourable Walton Brown, who also showed leadership in trying to bring this issue and have us deal with it as it was supposed to have been dealt with.

Mr. Speaker, we all know that this is a very emotive issue. I have heard former speakers before me talk about tiptoeing around it. Others have said it has just become a lightning rod. Mr. Speaker, from my almost 60 years on this earth, and when I got old

enough to understand, immigration has always been a lightning rod.

[Inaudible interjections]

**Mr. Michael A. Weeks:** I said “almost” honourable colleagues.

So, Mr. Speaker, I think it is time for us to really take a real look at this. And that is why I take my hat off to the current Minister, because when we talk about the Immigration and Protection Act 1956, we have to ask ourselves *who was it protecting that was immigrating?* Once they got here, who was this Act meant to protect?

Mr. Speaker, when we talk about these things in other places, we talk about this Act being racist when it started. Many tried to skirt around the reality of that issue, but the Act was never intended to protect people who looked like me. So, Mr. Speaker, we have to bring down the bastion. Some may say we should have started somewhere else in the Act. But this is a serious issue and I think where the Minister has decided to start, the mixed status and the repatriation, is a good point. And I think he referred to the words of Winston Churchill, if I could paraphrase, *This is the end of the beginning*. So I see us going more and more into the reality of changing this Act, because I, for one, believe that it was comprehensive reform that we were after. I think we are still after comprehensive reform.

Not everybody is going to agree with some of the results of it. But I think we all have to show testicular fortitude, Mr. Speaker, when we are dealing with this. You know, there are some things that we do not mention, i.e., us being Bermudian or black or white in Bermuda. That is the reality that we have in Bermuda. Four years ago I remember the Pathways to Status attempt by the then OBA Government when they were going to bring it to the House. That became emotive. Well, actually, it was always emotive, but it showed the emotions of the people, Mr. Speaker.

**The Speaker:** Mm-hmm.

**Mr. Michael A. Weeks:** It made me stop and reflect, when I saw the mass of people who were up on the grounds of Parliament, locked arm in arm surrounding the building, some risking their job, some risking loss of pay, keeping in mind that many people work from pay cheque to pay cheque. But when they are willing to risk it all because of what they believe in, it made me stop and reflect. I remember stepping to the side that day up there just to look on the masses and look at the people who were willing to sacrifice it all.

So, Mr. Speaker, we have to bring down . . . we have to change this Immigration [and Protection] Act 1956 one brick at a time. That is what I was saying when I saw those people locked arm in arm. And

in changing this, Mr. Speaker, our first responsibility is to the people of this country.

[Mr. Rolfe Commissiong, Acting Speaker, in the Chair]

**Mr. Michael A. Weeks:** Some of the former speakers, Mr. Acting Speaker—

**The Acting Speaker:** Mm-hmm.

**Mr. Michael A. Weeks:** I would like to acknowledge you.

Some of us, we talk about political ramifications, and we forget sometimes that it is the people who come first. Those people who put us here to ensure that we speak for them and we have the fortitude to stand up and do what is necessary.

Mr. Acting Speaker, one of the benefits that I see of starting where the Minister and his team—because I cannot forget the bipartisan immigration team led ably by, I think, MP Ming . . . I'm not sure if she was the Chair. But, Mr. Acting Speaker, that team did a marvellous job. But one thing that I have always advocated for and is why I am glad we are going in this direction, Mr. Acting Speaker, is because over the last generation . . . and this is just a consequence of how immigration can be of assistance.

Over the last generation, more and more Bermudians, of those who we recognise as Bermudians, have gone away to school. And because the population of us going away to school has increased, the population of us having children born overseas naturally will increase. I, for one, have two grands that were born when two of my sons were overseas at university. That is just an example of the reality of what we are facing more and more in this country. The more affluent we get, the more of us there are who go away.

So when we talk about repatriation, it is not just those who have repatriated because they could not find jobs here and they left. But more and more we have a group of people, youngsters that were born overseas that, hopefully, like the Minister said, we will be streamlining the process for so that those who are born before this would have an easier path to status and those who are coming, Mr. Acting Speaker, will be able to get status quicker. That I think, Mr. Acting Speaker, would help to alleviate the problem that we talk about.

A lot of times we talk about we need to increase our population. This to me is a good move by the current Minister because we could increase the population on a easy note, on a faster note, when we bring our own back to Bermuda and give those children who are born to parents from Bermuda, but overseas, the right to have Bermudian status.

So, Mr. Acting Speaker, with those few remarks I am glad I could contribute and I totally support this Bill.

**The Acting Speaker:** Thank you, Member.

The Chair recognises the Honourable Trevor Moniz.

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

Well, this has been a very long and a very halting and very slow process. But at last we are here today and I think we all agree that this is a horse designed by a committee that came out as a camel. It was not what anybody foresaw when they looked at the beginning of the process. It has been going on for years now.

I think we are all in favour of going forward. I think on this side of the House we would like to see some balance. We are looking at the benefit of all of Bermuda going forward and hoping that on the one hand fairness and justice and compassion will be done to those people who do not have the rights that they should have in these islands, and that secondly that everyone can economically prosper if we follow the right course of action.

I thought it was unfortunate when the Honourable Member Chris Famous was talking about the Cayman Islands and he was acting as if our economic course is a light switch. It is on or it is off. So we are either like Bermuda and we are shrinking and people are leaving, or we are like Cayman which has gone berserk and is expanding extremely quickly.

They, I think, have more than doubled their population in perhaps the last 20 years or so. We do not have to be in one position or the other. It is certainly not healthy to be in our position where we are bleeding away population. Members on the other side, the Honourable Member Michael Weeks, are saying, *yes, we wish we could get these people to come back.*

And at the moment there are not opportunities here in Bermuda for them. So, economically it is our responsibility to create those opportunities to make it attractive for those people to come back. And we can follow a course which is much more healthy, economically, for Bermuda than the one that we have been following in the past.

You will know that there are those of us who have been very concerned about the economy, very concerned [about] the failure of the new Government to be able to arrive at a position where there is a balanced budget, or where they are able (in the recommendation I think, in the Fiscal Responsibility Panel) [to] be putting \$50 million a year on the national debt to bring it down. In fact, we are now in a situation where we are talking about it going up.

Not to look back, but a few weeks ago I complained about the diminution of the Sinking Fund and the fact that the Finance Minister has no intention to put money back into the Sinking Fund and, you know, I thought it was imprudent. The Finance Minister later that evening when I had left the House accused me of saying that he was nefarious. Now, nefarious means

“wicked” or “criminal.” I certainly was not accusing him of any such thing. What I was accusing him of was being imprudent, and I was talking about him raiding the piggy bank.

Well, you know, in a sense, it is his piggy bank. He is the Finance Minister; he is entitled to do it.

**Mr. Hubert (Kim) E. Swan:** Point of order, Mr. Acting Speaker.

**Hon. Trevor G. Moniz:** But it is an imprudent step for him to take.

**The Acting Speaker:** The Chair recognises the Honourable Member Kim Swan.

### POINT OF ORDER

**Mr. Hubert (Kim) E. Swan:** The Honourable Member is reflecting on the Budget Debate. We are here to talk about this line item here which is what . . . this line item . . . no, no, that is right, we are here to talk about—

**The Acting Speaker:** A Bill.

**Mr. Hubert (Kim) E. Swan:** —the Immigration Bill. And he is talking about the budget.

I understand what he is trying to do and say, but he did not stay for that debate. He left. As you said, he could have point-of-ordered him then.

**The Acting Speaker:** Okay, Member, thank you. Your comments have been duly noted.

You may resume, sir.

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

But I think all Members who have spoken today have been given very broad latitude to go down lots of alleyways.

*[Inaudible interjections]*

**Hon. Trevor G. Moniz:** Lots of alleyways.

If the Honourable Member Kim Swan jumps up, I am sure he will be talking about golf, and no one will say he is reflecting on his career, or—

*[Laughter]*

**Mr. Hubert (Km) E. Swan:** Point of order.

*[Laughter]*

**The Acting Speaker:** The Chair recognises the Member Kim Swan.

## POINT OF ORDER

**Mr. Hubert (Kim) E. Swan:** In the Honourable Member's—

**Hon. Trevor G. Moniz:** Check his jacket.

**Mr. Hubert (Kim) E. Swan:** In the Honourable Member's absence, I was actually point-of-ordered by the Acting Speaker to tell me to speak on line items. That is where I got my training from on this particular point of order.

**The Acting Speaker:** Okay. Levity is . . . some levity is good for the soul.

You may resume, Honourable Member.

**Hon. Trevor G. Moniz:** Right. The point I am making with respect to immigration here is important, that Bermuda have a good reputation for being just and compassionate to the people here, and that it follows accepted international standards with respect to people living here, with respect of people having Bermuda status and the rights that those people have.

So I, for one, have always been of the belief that you need to follow best practice. And generally, in Bermuda that is what we have done, whether it is in the financial sphere or any other sphere, we have tried to follow international best practice. You know?

And we talk about the US green card system or we talk about people being settled in the UK, et cetera, all of them have (I hate to say it, but . . .) a pathway to status. That is what they have—a pathway to citizenship, in those cases.

So, that is the only point I am making. We staggered along and, you know, you will be aware that we had the Madeiros Report some time ago—years ago now—that the Minister supported and said everybody thought the Madeiros Report was a wonderful thing, et cetera. And we have been staggering along ever since to arrive at the position where we have something that can move forward. I know our members on the committee certainly supported some firm, positive movement forward. It is my view that some Members on the other side have not been so . . . and it is plain from the speeches that are given today, they have not been so supportive. And, you know, are living in the past and bearing grudges for things that happened before. Not that the past should be forgotten, but we are in today, and we have the problem today. And injustice in the past does not justify an injustice in the future. And we all are aware of that.

With respect to the comments made by my Honourable and Learned colleague, Mr. Pearman, I agree that the situation with the parent and the grandparent in order for . . . talking about, in particular, children born abroad to Bermudians and having Bermudian grandparents. It is going to be a sticky one. You know, the Minister says that he is going to streamline

things and make it simple and make it straightforward. And I somehow do not quite see that happening.

I mean, the people need to be commonwealth citizens under the British Nationality Act. The British Nationality Act before 1982 used to go back to a grandparent. Since 1982 it only goes back to a parent. It would seem to have made more sense to me to synchronise with that Act and go back one generation and just to say . . . and it would not be making it retroactive, but just to say anybody who has a Bermudian parent is Bermudian, if they are born outside of Bermuda, for the one generation.

That is what the Americans do. If you are born in America, you are American. If you are born outside of America to an American parent, you are also American. But it is only one generation. You cannot have two generations in a row born outside. Those are the sort of rules that would seem to me to be best practice. I know Mr. Trump, in his wisdom, has threatened to get rid of those rules. But I think that people need to be more positive about this.

And, you know, I am glad to hear the Minister say he is going to streamline the process. But if the law requires you to prove domicile and you have to prove evidence of it . . . I am interested to see exactly what the process is of simplifying that. He implied that nearly everybody who applied received it. I do not have any facts or figures to say that it is a yes or no or what different practices he has followed. But no doubt in due course he will share with us what those practices are.

Certainly, I have supported since the early 1990s the rights of people who come to this country and have been here for a long time, particularly those children who were born here and know no other home. It has always been found, there is always this mantra that, *oh, you know, they are stealing our jobs*. And what we have always found was that these people have always grown the economy. And the key thing for our own people is education—always education, education, education. And as you will know, in my view, education is languishing. Public education in Bermuda is languishing at the moment and it is rud-derless.

So, those are the real problems we face. And we have got to take a positive attitude, get this country to grow, get more people in here and do it in a fashion which is just and compassionate. I was always one who was not in favour of going out for commercial immigration saying, *Oh come and buy Bermuda status*. I was never in favour of that. I am in favour of getting the people who are here to stay, people who deserve it, to get their Bermuda status, to get their PRC, to have them live, work, be assimilated, be comfortable in this community, invest their life savings here and get this country going in the right place.

We know that the real estate market is languishing. I recently read that there were some 200 sales last year of property in Bermuda where the av-

erage for some years was up as high as 450. So, we really need something to kickstart the community and, you know, with the challenges that we are facing elsewhere with coronavirus, and financially, we need everything positive that we could possibly have. And we can turn this into a great positive for Bermuda.

I certainly strongly suspect that the Minister feels that way. I worked with his mother on several projects with respect to people and their rights when she was involved, when she was president of the West Indian Association. And she was a very keen supporter of the rights of those people that came here that they be treated justly. And I am sure that he has absorbed that. I think he is doing this. He is coming from the right place and he is treading a very difficult path within his own party, because it is clear that there are divisions on that side. But hopefully we can heal those divisions and move forward in a positive light and get this done. But we do see some challenges with the way it is drafted at the moment.

Thank you, Mr. Acting Speaker.

**The Acting Speaker:** Thank you, Member.

The Chair now recognises the Honourable Kim Swan.

**Mr. Hubert (Kim) E. Swan:** Thank you.

**The Acting Speaker:** You have the floor, sir.

**Mr. Hubert (Kim) E. Swan:** Thank you, Mr. Acting Speaker.

Mr. Acting Speaker, I find it amazing that the speaker just before me, the Honourable and Learned Member, would take an opportunity to try to suggest [there are] any divisions within Alaska Hall or the PLP, because I am sure that he has been as far away from the PLP as anybody in Bermuda could ever be!

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** I think that was a little bit rich as we are debating a bipartisan Bill.

**Hon. Trevor G. Moniz:** Point of order. Mr. Acting Speaker, point of order. The Honourable Member is misleading—

**The Acting Speaker:** The Chair recognises—

**Hon. Trevor G. Moniz:** —the House.

**The Acting Speaker:** —the Member Trevor Moniz.

#### POINT OF ORDER

**Hon. Trevor G. Moniz:** I would just say to him, you know, some of my great friends were Freddie Wade

and Lois Browne-Evans. So I am not so far from Alaska Hall as he might like to think.

**The Acting Speaker:** Is that a point of information or clarification, rather?

*[Laughter]*

**Hon. Trevor G. Moniz:** Thank you.

**The Acting Speaker:** Thank you, sir.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** I am not going to use up any more of my time trying to chase that one, because they are speaking of people that are long passed and gone and cannot come back to speak to that.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** Mr. [Acting] Speaker, but I am going to quote someone who has passed, with your permission.

**The Acting Speaker:** Yes, you may. You may proceed.

**Mr. Hubert (Kim) E. Swan:** I am going to quote from a book written by the Honourable Walton Brown. It is where I wanted to start this debate and thank him, the late Walton Brown, for his contribution towards trying to make Bermuda a fairer and just society.

In his book he wrote for all to see and remember and study. In his book, *Bermuda and the Struggle for Reform: Race, Politics and Ideologies – [1944]-1998*, he provided us with a historical example of why there was such a longstanding angst regarding immigration, Mr. Acting Speaker. In fact, this quote was used in a recent report by the Joint Select Committee which looked into December 2<sup>nd</sup> [2016]. In fact, Mr. Brown details the racially structured immigration policy promoted by the defunct United Bermuda Party intended to ensure that all . . . and I am taking my time because I am reading from an online script and I am using my Blackberry . . . my iPhone—

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** Yes, well I am going back in time.

—to ensure that British subjects living on the Island for at least three years were given the vote made possible by a section included in the 1963 Franchise legislation.

Thereafter, the Government of the day encouraged immigration to the Island by British citizens in particular. Census data from between 1950 and 1970 show that there was a significant increase in

persons born outside but living in Bermuda. Since more than half of these individuals came from the British Commonwealth, after three years' residency in Bermuda they were entitled to vote. It is worth noting that while 15 per cent of these persons were black, 83 per cent were white—83 per cent were white. It was written by Walton Brown in his book.

Mr. [Acting] Speaker, I would encourage Bermudians to go back and reflect on that book, because I have heard things debated here today in the spirit of bipartisan nature, and I have heard persons from the Opposition call into question the Bill that is before us today which suggests contrary to what Mr. Moniz wants to point fingers at, the Government suggests the very thing that he is pointing fingers at the Government at, that finger needs to be like his other three and point back at him and his party because that is truly what he is putting out here today.

We have had their Members come here and try to describe [the Bill we are debating] today as a camel instead of a racehorse. But where did being a racehorse get this country in 2016?

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** Where did being . . . trying to think that . . . people elected by people knew better than them, to force feed them with what they wanted to do . . . where did that get this country? Where did it? In 2016 it caused Bermudians from across the divide, many seniors, to feel so aggrieved by the actions of persons in leadership, which included the Member that just took his seat, to preamble around the House of Assembly grounds.

Let us not forget . . . and I heard a Member suggest that we need a (I wrote it down) a blank sheet. The Honourable and Learned Member Mr. Pearman says, *Look, why could we not bring a blank sheet here?* I am a person who believes in equality. And if you really want a blank sheet, let us all start from zero because persons know that is not the case. There are persons in this country that no matter how you think you might be starting from a level playing field, they have five legs up—the two that they have and the three that they have in trust somewhere else. And that is the reality of why you would have persons in their 70s and 80s and 90s protesting when a Government was hell-bent on pushing through what they thought needed to be done.

And whilst Mr. Ben Smith, the Honourable Member, while Ms. Leah Scott, the Honourable Member, while Mrs. Renee (I am almost getting like you now, Honourable Acting Speaker, because I almost called her . . .) Ming, Honourable Member, and the Honourable Mr. Chris Famous came to common ground on a difficult and thorny issue, they came to the realisation that the only way to deal with this in the context of what Bermuda really has to live with is to do it in the way that they have presented it here today.

And if persons who want the racehorse instead of the camel . . . you know what they are telling me? It is that they are not prepared to understand what their own Members had to come to understand as they looked at empirical evidence. That is what Mr. Walton Brown was engaged in. When he came to the forefront he was a researcher. He did not speak from off the cuff and all that. He had his research and his facts in order. I think he was one that may have predicted the 1998 victory when others were researching.

Do you know what was critical is that I remember during that time when people were protesting that the Government of that particular time was making decisions based on sample polls of 400 people. And you do that. And when persons, Mr. [Acting] Speaker, conveniently make comparisons to other jurisdictions, Bermuda, whilst we punch above our weight in the financial services, is only 22 square miles. And that is not much space at all to work with.

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

**Mr. Hubert (Kim) E. Swan:** In this space that we are living in today (welcome back, Mr. Speaker) we have to measure twice and cut once.

The Honourable Deputy Speaker quoted from Jim Woolridge's book. I was sitting in the back in the Gallery on purpose because it was reminding me of back in the late 1980s and 1990s when I used to sit there and listen, and maybe even send a note to someone and say, *Look, this is what . . . you know, how I feel on the subject* and the like and today I can sit here and express how I felt.

And I know a quote that may have been in Jim Woolridge's book, but it is something he used to say, and I am sure the Honourable Member Mr. Dunkley knows the . . . all I have to say is a bull in a hurry (that is a Jim Woolridge quote) never made a heifer.

**An Hon. Member:** Calf.

**Mr. Hubert (Kim) E. Swan:** Right. I told you he could finish it. I told you he could finish it.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** I got it wrong and he heard it—and he did not need to point-of-order me either!

**An Hon. Member:** A dairy calf!

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** But that was a—

**An Hon. Member:** A point of order is coming.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** That was certainly one of those—one of the many—Jim Woolridge quotes.

And why would that quote be apropos today? Well, I certainly pointed out we are being a bull in a hurry, got many people. And the irony of it is that during that same period in March of 2006, when persons who at that particular time wanted nothing to do with persons from Jim Woolridge's era had to call upon Sir John Swan to come there to help with matters. I remember that, too!

And so, when you adopt the . . . listen, you cannot be in a hurry. Why is it necessary in the modern context, when everyone is saying be like Cayman? The Honourable Member Mr. Famous pointed out all so well why Bermuda needs to adopt its own way of working our way forward. And that is Brexit. You know, Mr. Speaker, because no one wants to talk about the fact that England has walked away . . . well, Britain has walked away from the European Union, and there are persons there trying to figure out how to make Britain great again. And they are looking at their colonies. And measure once or twice or three times is necessary if you are the crown in that jewel.

**An Hon. Member:** Jewel in that crown.

**Mr. Hubert (Kim) E. Swan:** Yes.

**An Hon. Member:** Yes.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** Thank you.

**An Hon. Member:** The crowning jewel.

**Mr. Hubert (Kim) E. Swan:** I am not confused at all, Mr. Speaker, because—

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** —when I get those words twisted in making that analogy, right, what really gets twisted is the muddying of the waters. When the water gets muddy you cannot see what is really going on. When the lines get twisted, you need to take your time to untangle them. I was brought up by a fisherman. My grandfather was a fisherman so I understand a little bit how a line can get tangled up, Mr. Speaker. And so, we have this, and I have heard it. The principal Bill is the Immigration Act 1950—one year before Rolfe and I were born—1956.

The Speaker of the House, Mr. Speaker, the gentleman that held your seat in 1956, was Sir John Cox. And if anybody were to do a Wikipedia page up for Sir John Cox and saw the list of names of directorships that he held and who held them with him and all of that, you would see the Governor of Bermuda at

that time was Sir John Woodall, a military man at that particular time, right out of World War II.

And do you know what was very interesting is that the Immigration Act that we deal with now, this tangled ball of weave, was devised in 1956. And who died in 1955? Dr. Gordon. And when you look at how persons would attack leaders of the PLP, they would say you know, the Burt this, the somebody that, and they all that, is that when you have the death of a leader of people, someone who could examine these things very critically out of the way, you could introduce a 1956 Bill a little bit easier than you could have introduced a 1954 Immigration Protection Act.

Those are the reasons why you need to measure twice and cut once, because when you are talking about immigration, you are talking about the lives of people. And all of us have connections from early generations, and some of us have connections that go back centuries in this country.

**An Hon. Member:** Some of us have both.

**Mr. Hubert (Kim) E. Swan:** Some have both. And I am one of those persons who has both. But I am also one who appreciates that when you look at balance, you need to look at what is unbalanced.

The Honourable Member, Mr. Moniz (who has left the Chamber—he might be having dinner), I am sure he would not point of order me on this because I am going to be very accurate. He made some comments that I had to point out that he was trying to reflect disparagingly on my Finance Minister. I am here to tell you that we have a great Finance Minister.

**An Hon. Member:** Hear, hear!

**Mr. Hubert (Kim) E. Swan:** One who not only understands numbers, because there have been many of them that understood the numbers, but [he is] one of them who you do not have to doggone yell and scream at to be able to get into him to appreciate the sensitivities of social issues.

*[Inaudible interjections]*

**An Hon. Member:** Hear, hear!

**Mr. Hubert (Kim) E. Swan:** And I have had to have conversations with persons who only understood dollars and cents. The Honourable Member interpolating in the background, his mentor was Mr. Bermuda Inc. He knows who it is.

**An Hon. Member:** What are you talking about?

**Mr. Hubert (Kim) E. Swan:** Dr. [David] Saul.

**An Hon. Member:** How is he my mentor?



**Mr. Hubert (Kim) E. Swan:** Well, you took his seat.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** Yes.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** I certainly did and that is why I can speak so—

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** That is why I can speak so. I give credit to who requires to be given credit and I do not who does not. Okay?

And I can tell you this much, that in the Finance Minister that we have today, we had someone stand up on his feet and try to on this debate make disparaging remarks in regard to his ability with regard to finance. But I can tell you, this country's finance is in good hands!

Look at the Hansard.

Look at the Hansard.

Sometimes people do not want to hear! And let me tell you this: Sometimes, you know, you have to read and listen to what they are really trying to say sometimes.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** And that is true in politics. That is true.

And so, in this regard as it relates to immigration, Mr. Speaker, this country has many things that it has to come to terms with. One significant thing is the income inequality and the disparity that exists, inequality that exists in this country. And another one is that there are still many young Bermudians in this country who come home with college degrees and cannot find employment. And another one, as a person who proudly has mentored many young Bermudians when I did run a quango for this country, right, there are many persons who cannot find favour from persons in higher echelons. And there are some that are doing that, but we need more of it.

You hear Colonel Burch speak often of his favourite Canadian. And that gentleman played golf and loved his game of golf very much. And I am hoping he is enjoying his golf in retirement. But certainly, he is far . . . there needs to be far more examples of that being expressed in this country so that we can look at a space where we are not just saying there is unemployment but we are overemployed and abundantly employed and doing well in this country and participating in the spoils of the land.

And that is why when you say, *Oh, I just need to make Bermuda like the Cayman Islands*, and you just rush through some legislation, you get the type of

pushback that was received in this country four years ago. And the country is a lot more settled down than it was then. Persons trying sometimes to manufacture some discord have to recognise their participation, and how wound up this country really was at that particular time, as it related around immigration.

Mr. Speaker, I am disappointed that some Members took the opportunity to focus more on trying to pour lukewarm water over the bipartisan efforts that came from their own Members under the disguise of, *Oh well, because you were in a bipartisan way*. It started out that way because of a Member who was elected in this Chamber in 2017 who died doing what he loved best—serving his country—a gentleman who researched for a living and for a passion, a man who wrote a book dedicated to the struggles of this country, who put in that book a quote that persons can use today and tomorrow, that Members who would talk Opposite of it would not refute that quote, that immigration in this country was used deliberately—that is what the Honourable Walton Brown wrote in his book.

So, the blank sheet that persons would love for us to sing *Kumbaya*, that in our imagination could not exist because true equality is unachievable, unfortunately, because there are far too many with all their legs up and ahead of the curve, and that is the reality of this country.

And in this country, one thing that is going to help redress some of that is for more economic empowerment, particularly as it relates to the black community which was grossly mistreated during years dating back. It is a knock-on effect because whilst you cannot go on Wikipedia and find things as easily about Sir John Cox, in the houses and in the boardrooms they are celebrated. And the roles of things such as the Theatre Boycott and things that the Wooding Report and all the reports of this country, the Pitt Report, spoke to are the very things that keep us back today that emanated out of that 1956 Act that we are here discussing today.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** And that is why this country has to take the type of steps that is necessary because the effects of that remains in our midst today.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Member. Does any other Honourable Member wish to speak?

Mr. Simmons . . . are you just stretching there? Oh, you would like to make a contribution.

**Mr. Scott Simmons:** Good afternoon, Mr. Speaker.

**The Speaker:** Yes.

**Mr. Scott Simmons:** Mr. Speaker, irrespective of the fact that I have dressed today in St. George's colours,

as the Honourable Member has pointed out, Mr. Speaker—

**The Speaker:** It is a sympathy day for them, that is all.

**Mr. Scott Simmons:** —I rise to speak on the second reading of the Bermuda Immigration and Protection [Amendment] Act 2020.

I would like to take this opportunity, on behalf of us all, to thank the Minister for establishing courage early, energy, and for bringing this matter to this House eventually establishing the fact that this is the position of our Government. This is the position where we are today, and it is a position that we recognise are just the steps towards what we really want to do and what we really want to establish here in Bermuda. Mr. Speaker, I wish to centre in on three words today that I believe typify this particular Bill. It is fairness, trust and inclusiveness.

Earlier on in the debate, Mr. Speaker, Mr. Famous instructed us and made clear to us that this was the right time, this was the right measure, and that we should move forward in that regard. But then Mr. Burgess brought us the history behind why this confounds us all, this thing we call immigration. While the Honourable Member Renee Ming spoke of how in their meetings, those meetings were not the best meetings in that they spent a lot of time discussing this particular amendment to this Bill. And, Mr. Speaker, the Honourable Rolfe Commissiong spoke of the struggles of our country. We appreciate the words of the Honourable Member Kim Swan who made it clear during this debate that this Bill has flaws, that we have to change a number of things but that we also must recognise that this, too, is the right time.

Mr. Speaker, during the course of our caucus, during the course of us discussing this very, very difficult issue, we realised that sometimes you have to do things that are fair. This Government did not have to bring this. This sitting Government did not have to address these difficult matters. Others chose not to. But we decided, Mr. Speaker, collectively that this was something that had to be righted. Therefore, we felt that it was fair.

I recognise that the Honourable Deputy Speaker of this House would say that things have not always been fair in this country. Individuals have not exercised elements of fairness in this country. They have looked out many times, as individuals for themselves, and we heard in this Honourable House they have made decisions based on making sure that their positions are sure, but that fairness never played at that particular time. But today, in 2020, even though we recognise that things have not been completely reconciled, we realise that things are not completely balanced, we believe during this time that we must be fair.

There are those who criticise that this does not rise to the fullness of comprehensive immigration reform. But it is an instalment on that promise of addressing comprehensive immigration reform. It is a recognition by this Government and by the Minister that in the incompleteness of this we must be fair. Also, Mr. Speaker, missing from this calculation is the element of trust.

On one side of the divide, Mr. Speaker, if I may be so bold, is a society in this country that does not trust. If the opportunity presented itself—as it does with this particular Bill—for us to begin the process of trusting, we have to establish that trust first.

So, this Government has decided to place the onus on those who are the recipients of this instalment of trust, those who will benefit from this amendment or benefit from this particular Bill, and give them an opportunity to be a part of a society that they are already a part but for those who may not necessarily have been a complete part. This Government has decided to place trust and . . . if I can say this, Mr. Speaker, there are many throughout our country who feel as though they have not been given a fair shake. They feel as though they have been left behind. They feel as though there has not been opportunity in Bermuda in the equal portions that they would have liked. But this Government has decided that in the face of those who feel that we should not be bringing anything, we have decided to say that out of fairness and now an instalment in trust, that we will begin that process, trusting that individuals would finally reach the position where they will begin to see that this Government at the very minimum would be fair, but that we would trust that we would work together, move forward together, finally.

The Honourable Members of this House have spoken all afternoon on a lack of trust. Over the last 400 years, as we prepare our Parliamentary edifice over there for marking significant years in this particular hemisphere, Mr. Speaker, we know for a fact that during that time there were elements in this country who could not be trusted. They did not look out for the interests of everyone. It was a selfish society. They looked out for themselves. And the by-product of their success would trickle down to you, if possible.

But, Mr. Speaker, during that time it never dawned on anyone to bring everybody along. I often use the analysis that in the past, had former Opposition parties decided to take some of their collective monies and produce housing to put our people in houses in great numbers, things might have been different in Bermuda. If during the collection of the great wealth in Bermuda, had they shared more rather than saying that you will get your share of the spoils later on and in small increments, maybe the future or the present of Bermuda would have been different.

So, the society that we live in today, the black community does not trust that when such things as immigration reform appear that there would be a

measure of equality, that they would . . . because in the past, Bermudians have experienced marginalisation. They have experienced where individuals would not want to work with them, would not want to give them opportunity, would only let them rise to a certain level. You cannot blame individuals in this society who do not trust.

So, this Government had to take that into consideration, that no matter what we did, there would still be those who would not trust. *Do not trust them. They are going to open up the floodgates.* That was the argument in our community, out of fairness, because this thing, possibly the right thing to do, we had to step out and say this is fair and therefore we must begin the process of giving that community or giving communities in this country an opportunity to demonstrate that they can be trusted.

That trust is established, Mr. Speaker, simply by giving opportunities, by sharing the wealth of this country. No one expects that we will entertain reparations. What we would expect is that every single Bermudian in this country would be given an opportunity out of fairness so that we can begin the process of trust. The reason why we had the very infamous, and the famous, march on Parliament back then was specifically because the people of Bermuda did not trust the Government of the day to get it done fairly! That is why we are in the position that we are here today.

Mr. Speaker, fairness and trust. In order for us to move forward and to be comfortable and for the Minister to be able to comfortably bring the rest of the comprehensive immigration reform, he must be able to convince the entire Bermuda—every society—that a particular part of Bermuda who has benefited far greater than the rest is willing to move forward together, find ways . . . especially, Mr. Speaker, when we arrive at a time when we have such a plague on our shores as the COVID-19. It is during these times that we begin to feel and wonder where will the support be coming from, for those who will be out of work, as we see with our hospitality industry and our hospitality workers so recently as today.

**The Speaker:** Mm-hmm.

**Mr. Scott Simmons:** When do we suddenly start to share the pain? And when do we begin to lift?

Mr. Speaker, this Bermuda Immigration and Protection Amendment Act is a starter pistol. It begins our trek to move this country forward. But it cannot, cannot and cannot. And so the Minister has asked the entire caucus, has asked the entire department, he has asked this Parliament and he has asked the people of Bermuda, and he said in all the actions that he has that we should be able to start to trust that we will work together.

Mr. Speaker, this particular Bill, once again, emphasises the fact that we can possibly move forward together. On this side of the House we are

watching carefully how this plays out. It will dictate where we are going forward in the country. It will dictate the next step. There will be no further steps unless this step shows that the remainder of the country, those who benefit and those who had been arguing for its benefit react, adjust and participate.

Mr. Speaker, the last portion of the remarks that I wish to make speak to inclusiveness. It is the opportunity for us to right the wrongs, to right things in our society, but to also establish inclusiveness. This Government has taken on all of the responsibility for bringing relief to Bermudians in every way. We have recognised that this Bill matters to Bermuda for a number of reasons. But we have to propel this growth for Bermuda through fairness, trust and inclusiveness.

Mr. Speaker, we are taking a chance. We are taking a great chance. There are those in our society who do not wish to take this chance. We have recognised the significance of moving the country forward, to recognising that we must raise. There are members of our party and those throughout Bermuda who have said we have got to raise the number of people in Bermuda who earn, the number of people who generate money in this country, so that we are able to pay for the bills and for the things of this country.

But, Mr. Speaker, in taking this chance, what we should see and what we want to see are opportunities for every single Bermudian—not just some, every single Bermudian. What we do not wish to see is for those who are granted, those who were given opportunities from their society are given all the jobs. We must understand that we have to create opportunities for every single Bermudian. If we are to expect our young people to inherit a prosperous Bermuda, an inclusive Bermuda, a fair Bermuda, then we must trust each other.

Mr. Speaker, I would like to take this opportunity, in my conclusion, to thank all of the members of the committee, to thank the Permanent Secretary, and also to make sure that we acknowledge the contribution of each and every one of those members. But, Mr. Speaker, I caution: this Government will be fair. This Government will make decisions for the right reasons and that we will also accept that while it may not be a tenet of our party and of our Government and of a very large portion of this country, we are prepared to step out and to trust that we are not like the past. We will not mirror the behaviours of the past but that we can recognise that this country has moved from where we were to a far more progressive country in 2020.

I am not sure if we will accept that as the new task of this Government and of this country. I am not sure that we are ready for that. But there are those in our community and communities throughout Bermuda who feel that there should be no flexibility unless there is opportunity and equal opportunity.

Mr. Speaker, fairness, trust and inclusiveness. I support this Bill, Mr. Speaker, and I will continue to make clear that we must never allow this country to

not prosper, and we should never stand in the way of the progress of this country.

Your time is valuable. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Member. Does any other Honourable Member wish to speak?

We recognise the Honourable Member Scott. Honourable Member, you have the floor.

**Hon. Michael J. Scott:** Thank you, Mr. Speaker.

A most balanced exposition by the Member Mr. Simmons on where we stand. He stood on points of the cautious time in which we are afloat on the history of immigration in our country.

Mr. Speaker, the case certainly has been made today in this House about how immigration policy, not only in the isles of Bermuda but in many democracies can be used for ill or for good. And testimonies have been given in this House by Members of the PLP Government of how it has been used for ill.

When the ranking member of the bipartisan committee, Mrs. Ming, stood she stunned me into speaking when she leapt upon the concept of doing good. And you know, Mr. Speaker, we have had an opportunity, and they are to be commended from the Minister Caines, the Minister of National Security, and the supporting technical officers of Permanent Secretaries Azhar and Anderson and the Chief Immigration Officer, Dr. Ming . . . all of you are to be thoroughly commended for yet again engaging in a historic exercise of producing policy in immigration for good. No side winding, no invidious other agendas that Mr. Simmons said, remarked or isolated or identified in his speech, that our former Member of this House Walton Brown identified in his book, that immigration of the past, 1956, 17, 43 . . . I have seen it there. It was used for ensuring that the population of whites in the country was balanced out against the larger population of black, former slaves, of this country.

But today . . . today in a simple, as Mr. Simmons described it, instalment amendment we are seeing immigration policy for good. And I want to commend over and over again this policy. But you know, we have done this before. The Member who last spoke said that the beneficiaries of this instalment cheque have been given and entrusted with the benefits of this Bill to see how they may respond. But we did this before.

Long-term residency was yet another example of PLP policy based on human rights, based on adherence to principles of long-term residency being assigned to a group of Portuguese, primarily, long-term residents in this country. So, we have a history in the PLP of acting fairly, acting justly, acting to include.

Yet, I was alarmed to hear Mr. Moniz, the Honourable and Learned Member, claim that he supports always policies for fairness and justice. I can tell the Honourable and Learned Member, not that I need

to because if he opened his eyes he would know that this has been the policy driver of the Progressive Labour Party on the front, not only of immigration, but on many fronts. But he contorted this use of fair policy-making by indicating that increasing immigration numbers grows the economy as it does in the Cayman Islands.

And the Honourable and Learned Member cited the Cayman Islands as a place that was doubling its population—but for whom, Mr. Speaker? They were not nationals of the Cayman Islands. That place doubled population is of foreign immigrants and that is what we are seeking to . . . this is what sets the teeth of members of our community and certainly members of this party on edge. And it is the reason why the Honourable Member Mr. Famous spoke as he spoke.

But I said that I was stimulated to speak by the speech of the Honourable Member for St. George's (South or North), Mrs. Ming, when she isolated this whole concept of using immigration for good.

There is another story and good example of using immigration for good, Mr. Speaker, that took place in this country. It did not take place in the confines of this particular court, the court of the legislature, but in the courts of the judicature. In the 1970s, Mr. Speaker, around 1974 or 1975, a lady by the name of Mrs. Eunice MacDonald Fisher, a Jamaican lady (she was formerly Eunice Robinson) married Collins MacDonald Fisher, here, a Bermudian. I believe he was a Bermudian with Bermudian status. From the point of that marriage, Mr. Speaker, Mrs. Fisher who had four children, four Jamaican-born children, and Mr. Fisher from the point of that marriage treated those children as members of the now Fisher family.

Mr. Speaker, Mrs. Fisher came to Bermuda with her four children. They entered into the Bermuda state school systems in 1975 and in 1976, 1977. Mrs. Fisher received a note from the Immigration Minister of the day informing her that two of her children had to leave Bermuda within a number of months, by October. The ultimate order of the Immigration Minister, after the case was heard before the Supreme Court, was that Mrs. Fisher and her four children themselves had to leave the country, notwithstanding the fact that she was married to Mr. Fisher.

So, the case was brought before the courts to challenge this immigration policy for ill. And it led to a decision by the Supreme Court that confirmed that four children of this marriage were born out of wedlock. The terrible words were *illegitimate children*. But the case underscored that we should move away from these old usages.

So, under section 16(4) of the Immigration Act, whilst "stepchildren"—which these children were, these four Jamaican kids of Mrs. Fisher were the stepchildren of Mr. Fisher—was included as persons who could become belongers under the Act, here is

the nub: “stepchildren” was defined under the Common Law as “illegitimate” children—again, that awful word. And so, they fell afoul of these definitions, Mr. Speaker, of what is the meaning of a child. So, here was immigration policy being used for ill or being used totally insensitively.

My story continues. The case was taken to the Privy . . . was taken first to the Court of Appeal. And the Court of Appeal sustained the Court at first instance, the Supreme Court, and counsel for Mrs. Eunice MacDonald Fisher, the very eminent barrister of that day Julian Ernest Sinclair Phillips Hall—Mr. Caines is going to have to do another presentation for us on Mr. Hall—pressed this case by engaging counsel, attended himself and presented in the Privy Council himself to challenge the upholding of the decision by the Court of Appeal.

And what was decided by the law Lords, Lord Wilberforce and others, was that whilst the Common Law had recognised based on (this was all based on property ownership and old definitions by what is meant by a child), the seminal findings of the Privy Council in this case was that it was a too rigid interpretation for something as important as the meaning of child.

Therefore, that the Constitution chapter 1 of it, of the Human Rights Charter, required that we no longer attend to these strict adherences to the law but that we should, in connection with children, give a generous interpretation avoiding what has been called the austerity of tabulated legalism suitable to give individuals the full measure of their fundamental rights. This was, as I indicated, Mr. Speaker, immigration policy for good.

And it has an equivalence, Mr. Speaker, today by the good actions and work product of Minister Caines’ leadership, the bipartisan membership of this committee, of Mr. Famous, Mrs. Ming, Mr. Smith, Deputy Opposition Leader Ms. Scott, and I hope I have not left anyone out, pulling together again in our country, immigration policy for good.

Now, it lays a perfect foundation, this amendment. It lays a perfect foundation for this instalment cheque that has been written today, or that will be written today, because if we start good, Mr. Speaker, we should end good. And I cannot commend enough the work product of the bipartisan committee creating a good Progressive Labour Party immigration policy for good. It bodes well for what we will come to in the future.

And I hope that the reservations, however they may be characterised, of the Honourable Member Mr. Simmons as expressed are not shown to be anything but unfounded reservations and that we will find that because people have acted for good in this country, in 2020, and all during the period of the work of this committee, good will come of this Act and that patrials, largely Portuguese patrials (not Jamaican in this case, but Portuguese patrials) will have the bene-

fit of having this instalment cheque written to their credit and favour so that they may exercise their God-given rights of freedom of movement in this country, freedom of being able to own property and work and reside in this country, as we get on, Mr. Speaker, with comprehensive immigration reform.

Thanks very much.

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

No further . . . Mr. Dunkley. I almost did not see you over there in the corner that time, Mr. Dunkley. Would you like to add a contribution to this debate?

**Hon. Michael H. Dunkley:** Mr. Speaker, I was, I was standing up, so—

**The Speaker:** Okay.

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker, and good afternoon, colleagues.

Mr. Speaker, let me start out by saying that I, too, like my colleagues, broadly support the Bill that we have here today. I thank the members of the committee who had done the work. It has taken some time, but I am not here today to talk about the length of time. I think we should be here today to discuss it in full, pass the Bill and understand what the future will bring as far as immigration reform is concerned.

But I am also deeply troubled, Mr. Speaker, because today we have done, as we always do in the House of Assembly—but today more than days in recent memory, in my view. We have talked about some very critical issues that we face in this country. I mean what can be more critical than immigration reform? What can be more critical than talking about borrowing another \$150 million to deal with challenges we have today?

But I am disappointed because we have gotten into this back-and-forth about what immigration was in the past. And I for one am not going to be here tonight and take personal issue with what other colleagues have said because immigration clearly is the Immigration and Protection Act. That has always been what it is. Some of us will have our own personal views. Some of us will try to rewrite history. Some of us will be accurate with what we say and some of us will be inaccurate with what we said.

But today as we stand here when we speak and debate this issue, I am cognisant of the fact that this is an important piece of legislation, but I am also cognisant of the fact that we are on the verge or we are in what will be a very troubling period for this community. And colleagues have mentioned the challenges that we have. And I have said it before today and I have said it in the budget debate in recent days that things are going to get worse before they get better.

Why do I start with that in my comments to-night, Mr. Speaker? Simply because the community wants us to come together. As leaders in the community we need to come together, because if the Government wants to pull us through these challenges, we cannot be bickering amongst ourselves as politicians on a critical day like this. Even though we want to go back and forth and state what we believe immigration history was . . . and I have listened closely to it. And, yes, there are many stories, many real-life stories about how immigration was used in incorrect ways.

But I am not going to stand here and say that there were many good examples of how it was used appropriately. If it was not, we would not have had one of our heroes, E. F. Gordon, he would not have been here, he would not be looked at by all in our community as an icon of Bermuda in the past. And there are many more. I do not need to get into naming those individuals but it came up in this debate so I will name it.

And so, I was disappointed to hear colleagues personally go at people who cannot defend themselves, like Sir John Cox. I was a junior in those days, but I knew Sir John. And what I knew of him, he was a very humble man who helped countless Bermudians—black and white. Yes, he came from a position of privilege. There is no doubt about that. But the Sir John Cox that I knew was a man who was fair and would help people and did a lot for this country.

So, why are we here talking about immigration, trying to make our points to pull one down or to pull another up? We need to stand up and pass this Bill and worry about real critical challenges because the only way that we are going to get through the next couple of weeks or couple of months is together as Bermudians.

So, you know, I was aggravated. I was really aggravated to hear honourable colleagues refer to, *What is a Bermudian?* Well, I am Bermudian. So, what do I consider Bermudian? Well, my definition is different from everyone else. My definition is, you know, my own view. But I do not think we should differentiate between people who were born here, people who were given status and all that type, because we are in it together as we face dark clouds on the horizon. We are in this together. And so, when we talk about the Cayman Islands—

**Mr. W. Lawrence Scott:** Point of order, Mr. Speaker—

**Hon. Michael H. Dunkley:** —and we want to bash the Cayman Islands—

**The Speaker:** Point of order. I will take your point of order.

## POINT OF ORDER

*[Misleading]*

**Mr. W. Lawrence Scott:** The Honourable Member is misleading the House. He is making it seem as though the PLP or the Ministers on this side were the ones that asked what is a Bermudian? It was his own Member, MP Scott Pearman, who started that line of questioning.

**The Speaker:** Thank you.  
Member?

**Hon. Michael H. Dunkley:** Honourable Member, I did not state any names. But you are incorrect in that regard because there was another Member who did it. And I am not stating names because I am not getting personal. I am telling you my own—

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** No, no—

**The Speaker:** Just speak to the Chair. Speak to the Chair, speak to the Chair.

**Hon. Michael H. Dunkley:** Not disingenuous. The Honourable Member who has not spoken yet can speak afterwards. And I interrupted no one when I spoke.

**The Speaker:** Speak to the Chair.

**Hon. Michael H. Dunkley:** I am not being disingenuous. I am being real about this thing because we want to divide ourselves and then we want to . . . and the Honourable Member who interpolates just behind me—and he comes from the great Parish of Devonshire, like me—the Honourable Member was one who talked about the Cayman Islands. And, you know, the Cayman Islands is not a role model for us. I agree with him 100 per cent. But it does not mean that I want to bash the Cayman Islands for what they do—

**Mr. Christopher Famous:** Point of order, Mr. Speaker.

**Hon. Michael H. Dunkley:** Oh, my dear.

**The Speaker:** Point of order?

## POINT OF ORDER

**Mr. Christopher Famous:** Point of order. I did never once bash Cayman Islands. I said some of us have been there, seen the realities and know that it is not for us. Do we want to pay down our debt? Yes. Do we want to be able to give our CS [civil service] raises?

Yes. Do we want our people saying, *Oh, the rent has gone up 20 per cent?* No.

**Hon. Michael H. Dunkley:** Mr. Speaker, I will continue. I will continue.

The reason why the Cayman Islands has been in conversation in Bermuda over the past couple of weeks is because in the view of many they have turned their economy around, if you look at it strictly from a numbers point of view. If you look at it from their government budget, their surplus, their debt coming down, that is not the only way you can look at life. But many people, Mr. Speaker, will say that our biggest challenge in Bermuda is our debt. So, if you take that view, then you have to say that Cayman has been successful.

But I am not one to look at Cayman other than anything else. I have seen them take some of our business, and I have seen Bermudian businesses go there and open up branches which means, Mr. Speaker, that we need to do something different because we are losing investment that traditionally was done in Bermuda and it is going overseas. I am not giving Cayman credit for that. I am disappointed that we are not able to capitalise on it.

So, as we come here, we want to focus on some things that take ourselves away from the real challenge we have today which is immigration reform and where we go after this, Mr. Speaker, and we all want to say our point in history and we want to divide people. Our group has come here today to stand shoulder to shoulder with the Minister who worked through difficult times to bring this legislation to this House and we have debated in that level, Mr. Speaker. And we know this is one first step. But, you know, Honourable Members give their view of what happened in immigration history and at the same time they want to act like former Governments got it all wrong.

Mr. Speaker, let us not forget that no one is perfect and everyone has made mistakes. And I will admit it. When I was Premier of this country, I did make some mistakes. I never run away from that. And I will keep making mistakes. The Honourable Member interpolates from constituency 11 about a gentleman who was buried yesterday, we celebrated his life. I take that interpolation for the simple fact that this gentleman showed that, as different as we can be as Bermudians, we can still come together as one to move forward in difficult periods.

Glenn “Dingback” Simmons did that. We were tight. As much as I did not like some of his politics or some of the actions he took, it left when we met each other on the street or had conversations. We need to learn from that. But we build animosity where we cannot get through those bridges that we built.

So, I have no problem, Mr. Speaker, in hearing criticism from the other side. And I am not going to go back personally at colleagues about that because

tomorrow the challenges are much greater than we face today. And we cannot stop . . . we must stop trying to step on somebody's back to jump over the fence because you are going to leave a Bermudian brother behind, or sister behind.

We have got people very concerned about tomorrow and so when I hear about how bad the OBA was with immigration reform. I am not going to get into a catalogue of things that happened. But remember, the history will show that the first immigration reform consultation we had up at the Anglican church hall was interrupted. That was a consultation meeting that was interrupted. I will leave it there because I am not going to stir the pot. I want to move forward.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** No, and the Honourable Member from [constituency] 26 said they had brought it up. No, because you conveniently forget that part of history. So, I am not here to stir the pot. I am just here to set the record straight and to show that we are working with you, Minister.

We know this is a first step and it took a lot more to get this first step done than anybody envisioned—even our two colleagues who were on the committee. There were countless meetings. There were a lot of meetings that did not get enough people to show up to get the work done because they had other important engagements. Caucuses had to go back and forth. We get all of that. This is a first step. But in any way, this is not draconian measures of immigration reform that still need to be considered.

If we come back here every time we have an immigration amendment and we listen to the same recount of history—whether accurate or inaccurate—we are going to stunt the progress that we had. And I will close my comments by saying again that no one is perfect. We have all made mistakes. But the key in life is to live and learn from mistakes and work together. And today we are on the threshold of a potential . . . a new beginning in many ways because the normalcy of life, whether we liked it or not before, whether the playing field was level or unequal before, the reality of life is changing so quickly today that even those in leadership positions do not know what tomorrow or next week will hold.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** And our community, our community . . . and the Honourable Member who has not been in the Chamber all day and wants to complain about somebody not being in his chair comes in and chirps in. Sometimes, to the Honourable Member, it is better to be seen and not heard.

*[Inaudible interjections]*

**The Speaker:** Stay on point. Stay on point. Stay on point.

**Hon. Michael H. Dunkley:** Mr. Speaker,—

**The Speaker:** Stay on point.

**Hon. Michael H. Dunkley:** Sometimes it is better to be seen and not heard.

*[Inaudible interjections and laughter]*

**Hon. Michael H. Dunkley:** Because I am trying to stay at a high level.

*[Laughter]*

**The Speaker:** Stay on point.

**Hon. Michael H. Dunkley:** I am doing my best to stay at a high level.

**The Speaker:** Stay on point. Stay on point.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** No.

**The Speaker:** Stay on point.

**Hon. Michael H. Dunkley:** So, Mr. Speaker, we are on the verge of a different life.

*[Inaudible interjections]*

**The Speaker:** Member, Member—

**Hon. Michael H. Dunkley:** And we need to pay attention, Mr. Speaker.

*[Inaudible interjections]*

**The Speaker:** Member.

**Hon. Michael H. Dunkley:** You know, the Honourable Member . . . the Honourable Member is not doing himself any favours by talking like that.

**The Speaker:** Let me remind Members that this has been a pretty decent debate because both sides have been in agreement with this matter. There is no need at this eleventh hour to turn it into anything but what it has been. So, let us keep it at that tone, please.

Continue, Member.

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker.  
Sometimes it is better to be seen and not heard unless you have something good to say. That is what my mother always told me.

**An Hon. Member:** Seen and not heard?

**Hon. Michael H. Dunkley:** Mr. Speaker, so I will end with the broad support for this Bill. I want to thank those who committed a lot of their time because I do not think the members of the public realise the length of time it takes to get things done in meetings and the commitment that was done by individuals who did that. I believe in this case those individuals who met regularly were not compensated in any way.

I do not know how many hours, but maybe one or two of them could say how many hours that they put into this. They did it for the love of the country, and while everyone probably has something they would like to see added onto it, they are comfortable with where they are today and we can move forward.

So, I support it but let us not lose focus on the immense challenges we have tomorrow and how the community is going to be looking for us to work together to solve those challenges.

Thank you, Mr. Speaker.

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

No other Honourable Member wishes to speak? We will move on to . . . Minister De Silva?

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

I am not going to say I will not be long because whenever anybody says that they use up their whole 20 minutes.

But, Mr. Speaker, let me say that I, too, am very supportive of this Bill, and I am glad to see it has finally got here to the House. I think, like many have said today that this is the beginning and I think that . . . I think Brother Famous said it best earlier on. A lot of things he said, he said really best early on to be frank and honest. But one of the things he said and recognised—and I think we all recognise this—is that we have an ageing population and a decreasing childbirth [rate]. We have taxes that, you know, we do not want to have to continue to increase every year. We have a community that is going to rely more and more on the Government of the day and so, therefore, the thing that is going to help us most are warm blooded bodies.

I think this is a first step into us getting into a position of increasing the bodies that we need in this country to contribute to the systems that we have.

Now, Mr. Speaker, I want to clarify one thing. The Honourable Member Dunkley who seems to never be in this House—

**The Speaker:** Member, Members, I really do not like when we do that, you know, because sometimes this House has only got two people sitting in the [Chamber]—the guy who is speaking and the guy who is listening who is opposite that person. We all have reasons why we have to go out—whether it is for a minor matter or a long matter.



So, I do not think we should throw it across the room when there is a Member who is not in his seat at the moment because there is not a single Member who sits in this House all day. I think we should be big enough to be able to get past doing that. I just think it is playground level when we start throwing that back and forth. I am trying to be nice in my comment. Let us get past that. Let us be bigger than that.

**Hon. Zane J. S. De Silva:** Thank you, Mr. Speaker, and I wholeheartedly agree. I do! I do. It is just that . . . I am sorry, but my inner self is always one that likes to respond to people. So . . . but I will try to stay away from that, Mr. Speaker.

**The Speaker:** Thank you.

**Hon. Zane J. S. De Silva:** Yes, I will do my best. But the fact of the matter is, Mr. Speaker, I just spent two and a half hours up at the department, up at DPT with our operators and workers of this country. And why? Why? Because the OBA during their five years did nothing with all the equipment, with all the workshops, with the bathrooms and whatnot. And, Mr. Speaker, that is where I spent my last two and a half hours. So, I apologise for not being here during that period. But that is where I was and that will be a story for another day.

But, Mr. Speaker, let us get back to where I was. I wanted to talk about Cayman, in particular. You know, there was talk from the other side about us bashing Cayman. And, of course, Brother Famous got up on a point of order and said *Look, I was not bashing Cayman*. He brought about some very good points in that Cayman had an ex-pat population outnumbering the Caymans now by like two or three to one! And therein lies a big issue, and I think that is what my honourable colleague was trying to point out when he talked about the rents have increased 20 per cent over the last year or so.

**An Hon. Member:** [it was] 19.7 [per cent].

**Hon. Zane J. S. De Silva:** Yes, 19.7 [per cent]. I heard you say that, too, but I round things up and down around here. Right?

But the fact . . . the point is that . . . and this is why, you know, the old saying (I think someone may have even said it earlier), you measure twice and cut once. And you do have to be careful with this. The last thing we want in this country . . . we want warm bodies, but we do not want to start making and separating classes because I think we have enough of that already. And we do not want to increase that gap. We, on this side, are trying to close that gap. We do not want to increase that, make that gap any wider. So, it is very important.

Look, by the way, when you talk about Cayman bashing . . . they did not have any problem bashing us when we were on that grey list. I do not know how many people in this House realise that when we were on that grey list, Cayman rode us like a horse!

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** They rode us like a horse, Mr. Speaker! But, of course, you know, the old saying is God does not sleep. That is all I am going to say, because we know where they stand now on that list and where we are.

**An Hon. Member:** Yes, sir!

**Hon. Zane J. S. De Silva:** We are at opposite ends of the spectrum. Okay/ And we do not have 25 million ex-pats to do that.

**An Hon. Member:** They rode us like a camel.

**Hon. Zane J. S. De Silva:** They did. They rode us, they rode us like a . . . well, you said camel. They rode us like a wild horse. They did.

*[Inaudible interjections and laughter]*

**The Speaker:** Do not interrupt the Member now. You distracted the Member. Let him speak on now!

*[Laughter]*

**The Speaker:** Do not take him off his chain!

*[Laughter]*

**Hon. Zane J. S. De Silva:** Mr. Speaker, it is funny because I just talked to my better half and she said that the Honourable Member Scott Simmons makes her laugh. Well, if she would have heard him just say that, she would have laughed one more time.

Let me say this, Mr. Speaker, this Bill is a very good first step. And I, too, would like to commend all the Members that participated. And I know that Minister Caines . . . I am going to take my hat off to him. I know that this has been . . . this has not been an easy road for him. I was in both rooms when we had many discussions, and I saw him take a lot of heat, catch a lot of bullets for it. And he stayed to the grind.

I think the good thing that Minister Caines has done, and he will have to continue to do because we have some more work to do, you know, in this space, but one thing he has done is he consulted much and for that I commend him. I know that he had to talk inside the room and outside the room and it was not easy. It was not easy. But I think if anybody, if I can give him any strength to move forward, he is the man for the job. I think he is to be commended and again I

think that the people that sat on this committee . . . it is one of the toughest topics in the country. It touches everybody. It touches our grassroots people in a hard way and in a strong way. I think that they all did a good job and I think the Minister should be commended and I look forward to the next phase of this journey.

Thank you.

**The Speaker:** Thank you, Minister.

No further speakers, Minister. Would you like to respond?

**Hon. Wayne Caines:** I would like to go directly into Committee.

**The Speaker:** You have no disagreement from me on that one.

Deputy, would you like to come take us into Committee?

### House in Committee 6:30 pm

*[Hon. Derrick V. Burgess, Sr., Chairman]*

## COMMITTEE ON BILL

### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2020

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled Bermuda Immigration and Protection Amendment Act 2020. Minister Caines, you have the floor.

**Hon. Wayne Caines:** Thank you, Mr. Chairman.

Mr. Chairman, this Bill would amend the Bermuda Immigration and Protection Act 1956 ("the principal Act") to address certain issues that have resulted in members of families of persons who possess Bermudian status, or of permanent residents, not being able to remain in Bermuda because they are unable to acquire either Bermudian status or permanent residency status. The Bill will also make provision for a person who is born or adopted outside Bermuda to acquire Bermudian status at the time of birth or adoption (or as the case may be) if at the time, although neither parent is domiciled in Bermuda, or at least one parent possesses Bermudian status.

Mr. Chairman, I wish to move clauses in groups by topics.

**The Chairman:** What are the clauses?

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clauses 1 and 2.

**The Chairman:** Continue.

**Hon. Wayne Caines:** Mr. Chairman, clause 1 is self-explanatory.

Clause 2 clarifies the meaning of "permanent resident" and "permanent resident's certificate" and makes consequential amendments.

- Subsection (1) inserts in section 2 (interpretation) a new definition of the "permanent resident" and the definition of "permanent resident's certificate."
- These definitions make it clear that a permanent resident is a person who holds a valid permanent resident's certificate, and that a permanent resident's certificate is any such certificate granted under the principal Act (including such certificate granted under section 31A as it was before being repealed and replaced by the Incentives for Job Makers Act 2011). The following consequential amendments are made in subsection (2):
- Subsection (2)(a) amends sections 23 and 72(1) by, in each of those sections, repealing the definition of "permanent resident" (because that expression would be defined in section 2).
- Subsection (2)(b) amends section 31C(1) (rights, et cetera, of permanent residents) by deleting "permanent resident under section 31A and 31B" and substituting "permanent resident", which would have the meaning given in section 2.
- Subsection (2)(c) amends section 31D(1) (revocation of the permanent residency certificate) by deleting the reference to a person "referred to under section 31A or 31B" by substituting a reference to a person "who has been granted a permanent resident's certificate."

Mr. Chairman, I would now move clause 3.

**The Chairman:** Well, let us see if there are any speakers to clauses 1 and 2.

The Chair recognises the Honourable Member Scott Pearman, you have the floor.

**Mr. Scott Pearman:** Thank you, Mr. Chairman.

Just a small typo I think in clause 2. It says amends "sections" plural and I think it should just be singular.

**The Chairman:** Mm-hmm.

Any other speakers?

*[Crosstalk]*

**The Chairman:** Clause 2? Member, could you point it out?

**Mr. Scott Pearman:** Yes, it is in the heading.

**The Chairman:** Amends section—

**Mr. Scott Pearman:** Sections, yes. It should just be section.

**The Chairman:** I got you, yes.

No further speakers? Minister, you want to move those two sections to be approved, clauses 1 and 2?

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clauses 1 and 2.

**The Chairman:** There is a motion to accept and approve clauses 1 and 2. Are there any objections to that?

There appear to be none. Approved.

*[Motion carried: Clauses 1 and 2 passed.]*

**Hon. Wayne Caines:** Mr. Chairman, I would now move clause 3.

**The Chairman:** Clause 3? Okay, continue.

**Hon. Wayne Caines:** Clause 3 inserts section 16(2B) references to the new sections 18(3A) and 18AA(1A), which subsections are inserted by clauses 4 and 5, respectively. It also moves the provisions of section 20(1A) to a new subsection in section 16 (subsection (2C)).

- Section 16(2B) of the principal Act currently provides that a person who, but for the fact that he is not a Commonwealth citizen, would possess Bermudian status under section 18(1), (2) or (3) or section 18AA(1) or (2) shall be deemed to possess Bermudian status, and section 20(1A) provides that: “A person referred to in section 16(2B) shall, from and after the day that he becomes a Commonwealth citizen possess Bermudian status.”
- As the provisions of section 20(1A) fit with those of section 16(2B), section 20(1A) is repealed (see clause 7) and a new subsection (subsection (2C)), which repeats what is stated in section 20(1A), is inserted in section 16.
- The references to sections 18(3A) and 18AA(1A) inserted in section 16(2B) would mean that persons who fall in this new category who are not Commonwealth citizens would also be deemed to possess Bermudian status and would, if and when they were to become Commonwealth citizens, possess full Bermudian status.

**The Chairman:** Are there any speakers to clause 3?

The Chair recognises the Honourable Member Scott Pearman.

**Mr. Scott Pearman:** Thank you. I think this is the clause that the Minister is also moving an amendment on—

**An Hon. Member:** Four.

**Mr. Scott Pearman:** Four. Okay. Then I will wait. Thank you.

**The Chairman:** Okay.

Any speakers?

Minister, you want to move that this clause 3 be approved?

**Hon. Wayne Caines:** Mr. Chairman, I move that clause 3 be approved.

**The Chairman:** It has been moved that clause 3 be approved. Any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clause 3 passed.]*

**Hon. Wayne Caines:** Mr. Speaker, clause 4 amends section 18, which prescribes the requirements for the acquisition of Bermudian status at birth by which a child who is born to a person who possesses Bermudian status.

- Currently, under section 18(3), a child born to a Commonwealth citizen in Bermuda to at least one parent who possesses Bermudian status at the time of the child's birth will acquire Bermudian status. If the child is born outside Bermuda, at least one of his parents must be domiciled in Bermuda at the time of the child's birth. If neither parent is domiciled in Bermuda at the time of the child's birth, the child does not acquire Bermuda status at birth but, under section 16(2), is deemed to possess Bermudian status until he reaches the age of 22.
- The country in which the person is domiciled is the country that the person regards as home. Therefore, to be domiciled in Bermuda, a person must regard Bermuda as home (i.e., the place to which he eventually intends to return) regardless of the country in which he is temporarily or ordinarily resident in at the time. In this regard, see the Bermuda Supreme Court judgment of *Susan Millar v the Minister of Labour and Affairs and Housing* (2011 No. 93), dated 8 December 2011, by Justice Norma Wade-Miller.
- Clause 4(a) amends section 18 by inserting subsection (3A), which provides for a person who is born outside of Bermuda to at least one Bermudian parent where the parent was not domiciled in Bermuda at that time of the

person's birth to acquire Bermudian status if at least one of the person's grandparents possessed Bermudian status and it was domiciled in Bermuda at the time.

- With the related amendments made by clause 4 to sections 18(6), (7) and (9), every person who, on or after the commencement of this Bill, is a Commonwealth citizen born outside of Bermuda to at least one parent who at the time of the person's birth possesses Bermudian status and is not domiciled in Bermuda, will acquire Bermudian status at the time of his birth, but passing on of Bermudian status to children born overseas to parents that are not domiciled in Bermuda at the time of the child's birth will be limited to two generations.

**The Chairman:** Are there any speakers to clause 4?  
Mr. Pearman.

**Mr. Scott Pearman:** Thank you, Mr. Chairman.

**Hon. Wayne Caines:** I need to move the amendment, Mr. Chairman.

**The Chairman:** Okay. Continue.

#### AMENDMENT TO CLAUSE 4

**Hon. Wayne Caines:** Mr. Chairman, I move that the Bill be amended in clause 4(a), the new subsection (3A), by re-designating paragraph (b) as [paragraph] (c) and by inserting the following new paragraph after paragraph (a): "(b) one of his parents possesses Bermudian status; and".

Clause 5(a), the new subsection (1A), by re-designating paragraphs (a) and (b) as paragraphs (b) and (c) respectively, and by inserting the following new paragraph before paragraph (b), "[a]one of his adoptive parents possesses Bermudian status; and"]".

**The Chairman:** Okay. That is it.

Any speakers to the amendment? Mr. Pearman.

**Mr. Scott Pearman:** Thank you, Mr. Chairman.

Mr. Chairman, during the debate we raised two points that we thought were worthwhile amendments for the Government to consider. I will not repeat them here and waste the Committee's time. I simply point out that one was the retroactivity point, and I know that the parliamentary draftsman was here for the primary debate and is still in the Chamber and has the point if the Government wishes to take it up—and that would apply here at this section under the proposed [new subsection] 3A.

The second and further point that we raised during the primary debate is the generational point, if I can use that shorthand. And, again, the parliamentary

draftsman is here and I think he understands the point that was being made. We would simply invite the Government to consider between now and that other place whether those two amendments are worthwhile making and they would apply here at [clause] 4.

**Hon. Wayne Caines:** That was the exact amendment that we just made, Mr. Chairman, what he said. The second one was exactly what we just did just now.

**Mr. Scott Pearman:** Sorry, through no fault of his own the Minister, I think, was temporarily off the floor during my speaking during the debate. I will leave it to discuss between the Minister and the technical officer.

I do not want to waste people's time. But there is a further point which the . . . sorry, not the technical officer, the parliamentary draftsman, I misspoke, but I will leave it between the parliamentary draftsman and the Minister.

**The Chairman:** Any further speakers to the amendment?

Minister, do you want to move the amendment, please?

**Hon. Wayne Caines:** Mr. Chairman, I move the amendment to clause 4.

**The Chairman:** Well, move the amendment to be approved.

**Hon. Wayne Caines:** Mr. Chairman, I move the amendment to be approved.

**The Chairman:** It has been moved that the amendment to 4(a) be approved. Any objections to that?

No objections.

Approved.

Now you move 4(a) with the amendment.

*[Motion carried: Amendment to clause 4 passed.]*

**Hon. Wayne Caines:** Mr. Chairman, I move clause 4 with the amendment.

**The Chairman:** To be approved.

**Hon. Wayne Caines:** To be approved.

**The Chairman:** It has been moved that [clause] 4(a) with the amendment be approved. Any objections to that?

No objections. Approved.

*[Motion carried: Clause 4 passed as amended.]*

**Hon. Wayne Caines:** Mr. Chairman, I would like to now move clauses 5, 6 and 7.

**The Chairman:** Continue.

**Hon. Wayne Caines:** Clause 5 amends section 18AA, which prescribes the requirements for the acquisition of Bermudian status by a child who is adopted by parents who possess Bermudian status. As in section 18, for a child who is adopted overseas or after the commencement of this Bill, the requirement is at least one of the child's parents must be domiciled in Bermuda at the time of the child's adoption is removed, but the amendments will limit to two generations the passing of Bermudian status to the child adopted overseas to the parents who are not domiciled in Bermuda at the time of the child's adoption.

Clause 6 amends section 19 to change the period of ordinary residence requirement from the period of 10 years immediately preceding the application for Bermudian status, to the period of 10 years before the application, although ordinary residence must fall within an outer-limit period of 20 years preceding the application.

Clause 7 repeals subsection (1A) of section 20 because the provision has been moved to section 16—see clause 3.

**The Chairman:** Minister, there is an amendment for clause 5(a). Do you want to put that to the floor first?

#### AMENDMENT TO CLAUSE 5

**Hon. Wayne Caines:** Mr. Chairman, I would like to read the amendment.

In clause 5(a), the new subsection (1A) by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) respectively, and by inserting the following new paragraph before paragraph (b) "[a)] and one of the adoptive parents possesses Bermuda status; and".

**The Chairman:** Are there any speakers to that?  
Mr. Pearman.

**Mr. Scott Pearman:** Thank you, Mr. Chairman.

In respect to clause 5 of the Bill as amended, I would simply make the same point, namely, that should the Government wish to consider the retroactivity issue this clause would be the place to do so.

And further, should the Government wish to consider the remaining generational issue, one having been resolved by way of the amendment, one (in our submission) having not been resolved, this would be the clause to do so.

I would just be very grateful for a quick answer from the Minister on clause . . . I am sorry, did he do 5, 6 and 7?

**The Chairman:** Let us just stay with 5 first.

**Mr. Scott Pearman:** Fine. I will leave it there. Thank you.

**The Chairman:** Minister, let us—

**Hon. Wayne Caines:** I would like to move clause 5 with the amendment.

**The Chairman:** It has been moved that clause 5 with the amendment be approved. Any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clause 5 passed as amended.]*

**The Chairman:** Going to [clause] 6.

**Hon. Wayne Caines:** Read them again?

**The Chairman:** Yes.

**Hon. Wayne Caines:** Mr. Chairman, [clause] 6 amends section 19 to change the period of ordinary residence requirement from a period of 10 years immediately preceding the application for Bermudian status, to a period of 10 years before the application, although the ordinary residence must fall within the outer-limit period of 20 years preceding the application.

Clause 7 repeals subsection (1A) of section 20 because the provision has been moved to section 16—and you can see that in clause 3.

Mr. Chairman, I move that—

**The Chairman:** Okay, you just did [clauses] 6 and 7, let us see if we have any . . . Are there any speakers on clauses 6 and 7?

There appear to be none.

Want to move 6 and 7, Minister?

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clauses 6 and 7.

**The Chairman:** It has been moved that clauses 6 and 7 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 6 and 7 passed.]*

**The Chairman:** We can do [clause] 8 now.

**Hon. Wayne Caines:** Mr. Chairman, I would like to now move clause 8.

Clause 8 amends section 31B (the right of certain other persons to permanent residency certificates).

- Currently, if a person is at least 18 years of age and is a son, daughter or spouse of a person who has been granted a permanent resident's certificate under section 31A, he may under section 31B(2)(e) and (f) apply to the Minister to be granted a permanent resident's certificate.
- Clause 8(a)(i) repeals and replaces section 31B(1)(b). The requirement that that applicant for a permanent residence certificate must have been ordinarily resident in Bermuda for a period of 10 years immediately preceding the application is changed to a period of at least 10 years before the application. The calculation of the 10-year period is provided for in section 31B(3)—in clause 8(c).
- Clause 8(b)(ii) inserts paragraphs (ea) and (eb) into section 31B(2). These new paragraphs allow a person to apply to the Minister to be granted a permanent resident's certificate if he is at least 18 years of age and is the son, or daughter or spouse of a person who has been granted a permanent resident's certificate under section 31B. However, clause 8(a)(ii) amends section 31(1)(c) to allow an application under paragraph (ea) or (eb) to be made only during a period of two years starting from the commencement date of clause 8 of this Bill.
- Clause 8(c) repeals and replaces section 31B(3) to clarify that the 10 years' ordinary residence requirement referred to in section 31C(1)(b) is to be calculated to begin from not earlier than the time at which the relationship of a son and daughter, or a spouse, is established under subsection (2)(e), (ea), (eb) or (f), as the case may be. The 10 years of ordinary residence must also fall within the outer-limit period of 20 years preceding the application.

**The Chairman:** Any speakers to clause 8?

There appear to be none.

Minister, want to move clause 8?

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clause 8.

**The Chairman:** It has been moved that clause 8 be approved. Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clause 8 passed.]*

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clause 9.

**The Chairman:** Continue.

**Hon. Wayne Caines:** Mr. Chairman, clause 9 amends the First Schedule A (Persons with a Qualifying Bermudian Connection).

- Section 19(1) currently provides that a person may apply to the Minister under the section for the grant of Bermuda status if: (a) he is a Commonwealth citizen of not less than 18 years of age, (b) he has been ordinarily resident in Bermuda for the period of 10 years immediately preceding his application, and (c) has a qualifying Bermuda connection.
- The 10-year period immediately preceding the application would however be changed to 10 years of ordinary residence before the application—see clause 6.
- Paragraph 1 of the First Schedule [A] provides that a person to have a qualifying Bermudian connection under section 19(1)(c), the person must fall within a “class” of a description in paragraph 2, and those descriptions are subject to paragraph 3.
- The various “classes of persons” that have a qualifying Bermudian connection are described in paragraph 2.
- Subparagraph A(a) of paragraph 2 of the Schedule provides that a person has a qualifying Bermudian connection if he at any time was deemed to possess Bermudian status under section 16(2) (i.e., by virtue of having been a child, stepchild or adopted [child of a] person with Bermudian status, which deemed status ended at the age of 22 if the person has not (before turning 22) applied for, and subsequently been granted, Bermuda status under section 20).
- Subparagraph A(b) contains another class of persons, i.e., persons who were deemed to be domiciled in Bermuda under section 5(1)(e) of the Immigration Act 1937. This is repealed because the provision is spent.
- Paragraph 3 provides the requirements specified in paragraph 2 must have been satisfied throughout the period mentioned in section 19(1)(b) (which is the 10 years preceding the application for the grant of Bermudian status). This contradicts subparagraph A(a) of paragraph 2 in the First Schedule A, which requires only that a person must have “at any time” satisfied those requirements and makes it difficult, if not impossible, for anyone to show that they have a qualifying Bermudian connection under that subparagraph. In this regard, see the Bermuda Supreme Court judgment of *Luis Correia [and] Carly McQueen v Immigration Appeal Tribunal [and] the Minister of Home Affairs* (2016 Case No: 28) dated 25 October 2017.
- Therefore, paragraph 3 is amended to refer to only subparagraphs B [and] D of paragraph 2

and, for the avoidance of doubt, the new paragraph 3A makes it clear that paragraph 3 does not apply to subparagraph A, E or F of paragraph 2. Subparagraph C is repealed because it is spent, and subparagraphs E and F are added

- A new class of person with a qualifying Bermudian connection is added by a new subparagraph E of paragraph 2. This person who is the son or daughter or brother or sister of a person who was granted Bermudian status under section 20A.
- A second new class of person with a qualifying Bermudian connection is added by the new subparagraph F of paragraph 2. This is a person who is the son or daughter of a person who was granted Bermudian status under section 20B(2)(b).
- Sections 20A and 20B were inserted into the principal Act in 1994 by the Bermuda Immigration and Protection Amendment Act 1994. Persons granted Bermuda status under these sections had to have been ordinarily resident in Bermuda on 31 July 1989.
- Applications for the grant of Bermudian status under section 20A had to be made before [31] July 2008 and, therefore, applicants for the grant of Bermuda status under this section can no longer be made.
- Applicants for the grant of Bermuda status under section 20B(2)(b) can currently still be made. In this regard, see Bermuda Supreme Court judgment the *Minister of Home Affairs v Carne and Correia* (2014 No: 9) dated 2 May 2014.
- Any person in the new classes of persons with a qualifying Bermudian connection—i.e., the son or daughter, brother or sister of a person who has been granted Bermudian status under section 20A, or the son or daughter of a person who has been granted Bermudian status under section 20B(2)(b)—would qualify [to apply] for Bermudian status if the applicant were also: (a) a Commonwealth citizen of not less than 18 years of age, and (b) who is ordinarily resident in Bermuda for a period of 10 years before the application, although the ordinary residence must fall within an outer-limit period of 20 years preceding the application.

**The Chairman:** Are there any speakers to clause 9?  
Mr. Pearman, you have the floor.

**Mr. Scott Pearman:** Thank you, Mr. Chairman. Thank you, Honourable Minister.

My question relates to clause 9 which under (a)(iii) inserts a new “E a person who is the son or daughter or brother or sister . . .” so that is quite broad but it excludes from that wording “husband” or “wife”

and it excludes from that wording “father” or “mother.” I would just be interested to hear the Minister’s thinking about why it is not going sideways or above but only down or sideways as siblings.

Thank you.

**Hon. Wayne Caines:** What was the section?

**Mr. Scott Pearman:** [Clause] 9(a)(iii) inserting a new E to the First Schedule [A] of the primary Act.

**Hon. Wayne Caines:** Response—section 19A already allows for any spouse to apply.

**The Chairman:** And that is under the principal Act.

**Hon. Wayne Caines:** Under the principal Act, yes.

**The Chairman:** Mr. Pearman.

**Mr. Scott Pearman:** Thank you. And father and mother?

**Hon. Wayne Caines:** Not allowed.

**The Chairman:** Any further speakers?

There appear to be none.

Minister, want to move clause 9? Oh, 10, you have that—

**Hon. Wayne Caines:** I need to move 9 now.

**The Chairman:** [Clause] 10 is the commencement.

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clause 9.

**The Chairman:** Yes. It has been moved that clause 9 be approved. Any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clause 9 passed.]*

**The Chairman:** Let us do 10, the commencement.

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clause 10.

**The Chairman:** Yes, go ahead.

**Hon. Wayne Caines:** Mr. Chairman, clause 10 provides for commencement.

The Minister will not enact this piece of legislation immediately but will set a date in the next several weeks to allow the Department of Immigration adequate time to continue to prepare for applications that will arrive as . . . The Minister will not enact this piece of legislation immediately but will set a date in

the next several weeks to allow the Department of Immigration adequate time to continue to prepare for the applications that will arrive as a consequence. Process improvements are a critical part of immigration reform and the work has begun on making several of the processes streamlined.

**The Chairman:** Any speakers to the commencement?  
There appear to be none. Minister?

**Hon. Wayne Caines:** Mr. Chairman, I would like to move clause 10.

**The Chairman:** It has been moved that clause 10 be approved. Any objections?  
There appear to be none. Approved.

*[Motion carried: Clause 10 passed.]*

**Hon. Wayne Caines:** Mr. Chairman, I would now like to move the preamble.

**The Chairman:** It has been moved that the preamble be approved. Any objections to that?  
There appear to be none.  
Approved.

**Hon. Wayne Caines:** Mr. Chairman, I now move that the Bill be reported to the House as printed—

**The Chairman:** As amended.

**Hon. Wayne Caines:** Excuse me, as amended.

**The Chairman:** It has been moved that the Bill be reported to the House as printed . . . as amended.  
Are there any objections to that?  
There appear to be none.  
Approved. The Bill will be reported to the House as amended.

*[Motion carried: The Bermuda Immigration and Protection Amendment Act 2020 was considered by a Committee of the whole House and passed with amendments.]*

**House resumed at 6:58 pm**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## REPORT OF COMMITTEE

### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2020

**The Speaker:** Members, are there any objections to the Bermuda Immigration and Protection Amendment Act 2020 being reported to the House as amended?

There are none. It has been reported and approved.

The next Order is Order No. 3 which is the Payroll Tax Amendment Act 2020 in the name of the Minister of Finance.  
Minister?

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** Oh, Minister, before you start, I would just like to acknowledge in the Gallery the former Speaker, Speaker Horton. Good to see you this afternoon.

*[Desk thumping]*

## BILL

### SECOND READING

#### PAYROLL TAX AMENDMENT ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, the Bill now before the House is the Payroll Tax Amendment Act 2020. The purpose of the Bill is to make a number of reforms to the Payroll Tax Act 1995 and the Payroll Tax Rates Act 1995.

Mr. Speaker, initially I must note for the record that given this Government's clear desire to increase the number of jobs in Bermuda, since 2017 we have not increased payroll taxes on employers. Actually, to the contrary we have given targeted payroll tax reductions to struggling sectors such as retail and also provided payroll tax concessions for employers who hire persons with disabilities, new small business entrepreneurs and taxi operators.

As announced in our 2020/21 National Budget Statement, Government will continue to use payroll tax policy to provide for the following:

1. Reducing payroll taxes for those persons earning less than \$96,000, bringing the rate paid in the \$0–\$48,000 band of gross taxable compensation to its lowest level ever.
2. Introducing two new employer payroll bands between \$200,000 and \$500,000 which will have the effect of lowering the payroll tax burden for those businesses which will allow them to expand their employee base.
3. Extend payroll tax relief for the creation of new jobs in Bermuda to employers with payrolls between \$500,000 and \$1,000,000.

Mr. Speaker, this Bill provides for these policy objectives.



Mr. Speaker, the Budget Statement noted that we will provide payroll tax relief to those workers who have suffered through increases in the cost of living. This amendment will adjust the payroll tax employee rate bands to provide tax reductions to those earning less than \$96,000. Accordingly, the rates will be adjusted as follows:

- Remuneration of \$0–\$48,000: the rate will be adjusted from 4 per cent to 2 per cent.
- Remuneration of \$48,001–\$96,000: the rate will be adjusted from 6.5 per cent to 8.5 per cent.
- Remuneration of \$96,001 to \$235,000: the rate will be adjusted from 7.75 per cent to 9 per cent.
- Remuneration greater than \$235,001: the rate will be adjusted from 8.75 per cent to 9.5 per cent.

Mr. Speaker, this proposal is expected to reduce the yield in payroll tax collections by about \$3.8 million.

Mr. Speaker, another important provision included in this Bill is one which provides payroll tax relief for small and medium-sized businesses. Small and medium-sized businesses are an important part of the Bermuda economy and they employ just over 6,300 persons—the majority of whom are Bermudian.

Mr. Speaker, currently employers pay a rate of 1.75 per cent when their taxable remuneration is under \$200,000. Once their taxable remuneration goes above the threshold of \$200,000, the rate jumps to 7 per cent. This tends to prohibit the growth of new jobs in the small and medium-sized business sector. It is now proposed to create two new payroll tax bands between the annual payroll thresholds of \$200,000 and \$500,000. This tax relief to small and medium-sized businesses should allow them to expand their employee base. The proposed bands are as follows:

- Between \$200,000 and \$350,000 at a tax rate of 3.5 per cent, a 50 per cent reduction.
- Between \$350,000 and \$500,000 at a tax rate of 6.5 per cent.

Mr. Speaker, 388 companies will benefit from this concession.

Mr. Speaker, in 2018, this Government introduced the successful tax incentives to grow jobs programme. The objective of this programme was simple: to have more jobs based in Bermuda providing more opportunities for Bermudians who are looking for work or who may want to progress in their careers.

Mr. Speaker, specifically this legislation provided payroll tax relief for the tax period from the 1 April 2018 through the 31 March 2021, where employers who increased their total number of full-time employees when compared to the total as of 31 March 2018. The relief was for the employer portion of payroll tax and was only applied against new additional employees hired between 1 April 2018 and 31 March 2021. In order to maintain the relief, the employer

head count had to remain above the baseline employment level which was measured as at 31 March 2018. The baseline total was zero for new qualifying employers starting businesses on or after 1 April 2018, which meant that all of their employees were qualifying employees. Initially, qualifying employers for this relief were exempt undertakings and any other employer with a payroll exceeding \$1 million that were liable to payroll tax at the standard rate and were not receiving other payroll tax relief. Also, to receive the relief, the employer had to be current with payroll tax. Since inception, over 400 new employees have been registered in this programme.

Mr. Speaker, the last part of this Bill before us today extends this programme to employers with payrolls of between \$500,000 to \$1,000,000. This programme should provide a two-year employer payroll tax concession where additional jobs created in Bermuda and is modelled on the 2018 programme.

Mr. Speaker, the Budget Statement also signalled that Government would expand the successful taxi industry payroll tax scheme to all persons with public service vehicles. This was to include limousines, airport limousines and minibuses. It was noted that further consultation would occur with owners of vehicles in this sector before any decisions are finalised.

Mr. Speaker, I can confirm that due to the uncertainty with the effects of the coronavirus on the economic climate, we have decided to postpone the application of the flat tax for public service vehicles until the fiscal year 2021/22. Meanwhile, the office of the Tax Commissioner will gather information from the industry over the coming months to ensure that any change in policy for this industry is fair and amenable to all parties.

With those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled the Payroll Tax Rates Amendment Act 2020.

Thank you, Mr. Speaker.

**The Speaker** Thank you, Minister.

Does any other Member wish to speak?

I recognise the Shadow Minister of Finance. Honourable Member Pamplin, you have the floor.

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

Mr. Speaker, this Payroll Tax Amendment Act 2020 reduces to righting the promise or the information that was given during the Budget speech a few weeks ago, and it obviously serves to ensure that people on the lower end of the earning spectrum would be able to see some relief.

The bands from \$0 to \$48,000 and from \$48,000 to \$96,000 have decreases in . . . from \$0 to \$48,000 actually have a decrease in their payroll tax. But there is an offsetting increase from \$48,000 to \$96,000 so that the net-net at this level to the gov-

ernment is a wash. However, in excess of \$96,000 the rate goes up from 7.75 per cent up to 9 per cent, and that is from \$96,000 to \$235,000. In excess of \$235,000 the rate goes up from 8.75 per cent up to 9.5 per cent.

I think what is important to understand here, Mr. Speaker, is that this \$96,000 level going up to \$235,000, and that \$235,000 and above, that is effectively our middle class. I said it at the time of the Budget Debate, and I will just reiterate it here for the sake of consistency to say that we are taxing our middle class to death.

On the other side of the coin, we have done very little to reduce expenditure so that we can continue to give some kind of level of relief so that people who have actually worked themselves up to that middle class bracket will at least be able to see the fruits of their labour. And such is not the case. However, I understand the Government's intention, and while I do not like it, I do not believe that we have much choice other than to support it.

I think that people who are in that middle income bracket are the ones who are, not just feeling the pinch, many of them will see the impact of land tax differences and . . . literally every difference under the sun. They will see the impact of health insurance. They will see the impact of what the sugar tax is doing to their grocery bill. So, while the people at the lower end of the earning spectrum will perhaps have some relief, you can be assured that it will be eaten up in double quick time with the offsetting taxes that this Government has levied against our citizenry.

And that is what the Government has chosen to do. I think that the people have to understand that this is the choices that they have made, and this is what we get when we vote however we vote. This is what it is.

When it comes to the second part of the Bill which effectively gives some relief to small and medium businesses, that was the one thing that we were pointing out that we did not think that businesses needed to be punished for their successful growth, and this gives some relief to those bands in between the \$200,000 and the \$350,000 and from \$350,000 to \$500,000 it has a separate band of payroll tax which has been levied. We certainly understand this.

I think that it is important for us to be able to support businesses hiring additional people and to the extent that businesses do hire additional people, we want to encourage that growth. We have not seen much growth in the economic sector in the last few years and given the challenges, the external challenges with which this company is now . . . I am sorry, what did I say?

**An Hon. Member:** You said company.

**Hon. Patricia J. Gordon-Pamplin:** With which the country is now facing, I think that whatever relief we

can give to encourage businesses to hire, we have to do our part to make sure that they are fulfilling that mandate.

So, to give tax incentives to grow jobs, the Minister indicated that there are 388 companies that will benefit, and obviously if 388 companies will benefit from the additional bands that are being inserted here, then obviously we support that. Whatever we are doing when it comes to payroll tax, Mr. Speaker, payroll tax is a significant portion of the revenues that the Government generates.

The Government, notwithstanding that we have stresses on our economy and stresses on our cash flow, will expect come April 15<sup>th</sup> to receive a significant amount of payroll tax in respect of the March 31<sup>st</sup> quarter end. For some companies it may not be their fiscal year end, it may just be the calendar quarter end, but the way that the tax levies exist, they actually are being paid by the 15<sup>th</sup> of the month following the end of the quarter. So, there is significant cash flow that will come in and the Government has to rely on that.

We did hear earlier today that there is a possibility of looking at perhaps making a line of credit available to increase the upper limit of the debt ceiling such that we can have money available as a "just in case." That necessity to draw down on any additional line of credit will be ameliorated by the money that will actually physically come in. So, we want to be able to ensure that we encourage companies not just to hire as many people to have the payroll that is necessary, but also to pay their payroll tax on time.

I think that what is . . . there are significant penalties when a company does not pay on time, so there is actually quite an impetus for companies to meet their tax obligations and to meet them expeditiously. But with that said, Mr. Speaker, I think that it is important that we have to do something. In these particular economic times that we are facing, it is going to be difficult. But we have to do something as a Government to look at how we can minimise our tax burden to businesses, to employees, to people so that we . . . we just have to get a handle on our expenses.

And every time we mention that, Mr. Speaker, we always hear, *You all want us to put people out of work*. I believe that if we stop to consider what we have available to us as options, putting people out of work is not what we are espousing. But I believe that thought processes could be gotten together and that a good attitude can prevail so that we can find a way whereby Government does not have to charge as much to the taxpayer if we can curtail our expenses.

So, with that, Mr. Speaker, we obviously have to support this Payroll Tax Amendment Act [2020]. People have, as much as they might be hurting . . . especially the middle income people who have to pay more tax, they are hurting by it. They are complaining about it. But as some people say, the more you earn the more you have to pay. I think that this is perhaps

just a sad fact of life. But I think that it is less . . . it pains a little less when you see that people are not just collecting all the money and spending it without consideration for trying to curtail the expense ratios that we have.

With that, Mr. Speaker, I will take my seat.

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

Does any other Honourable Member wish to speak?

I recognise Honourable Member Hayward. You have the floor.

**Mr. Jason Hayward:** Good afternoon, Mr. Speaker.

**The Speaker:** Good evening!

**Mr. Jason Hayward:** Mr. Speaker, I wholeheartedly support the amendments put forward by the Minister of Finance.

Mr. Speaker, these amendments will reduce the amount of tax paid by 75 per cent of our employees—75 per cent of employees in this country will benefit. I do not consider it to be a wash because when I look at the numbers, and [looking at] \$36,000 since 2018, if you are making \$36,000 an individual will pay \$990 [less] than they were paying. At \$48,000 they will receive a tax break of \$320 per year. At \$60,000 [the tax break] will be \$990. At \$72,000 it will be \$660 and at \$84,000 it will be \$330. And so it is a significant break for individuals, and that money will go a long way with assisting individuals on the lower end of the pay scale—not the bottom of the earth.

How dare a Member consider people who are low paid in this country at the bottom of the earth?

**Hon. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

**The Speaker:** Point of order.

#### POINT OF ORDER

*[Misleading]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member is intentionally misleading this House. There is no way that I said that people who are on the lower end of the earning spectrum to be the bottom of the earth. How dare you!

#### POINT OF ORDER

**Mr. W. Lawrence Scott:** Point of order, Mr. Speaker.

I was listening intently to that Member, the Honourable Member Gordon-Pamplin's speech, and she did say the lower spectrum of the earth. That was her exact words. Lower spectrum of the earth.

**Hon. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

*[Crosstalk]*

#### POINT OF ORDER

**Hon. Patricia J. Gordon-Pamplin:** I said the lower spectrum of the earnings.

**An Hon. Member:** No, no.

**Hon. Patricia J. Gordon-Pamplin:** I said earnings! I did not say earth.

**An Hon. Member:** No, you said earth.

**Hon. Patricia J. Gordon-Pamplin:** I did not say earth. I said the lower spectrum of the *earnings*. I did not say of the earth.

**The Speaker:** Thank you.

**Hon. Patricia J. Gordon-Pamplin:** I did not—and I would not, Mr. Speaker.

**The Speaker:** Thank you.

Continue on, Mr. Hayward. Just keep in mind that it may have been a misinterpretation of what you heard, but go ahead.

Continue on.

**Mr. Jason Hayward:** Back here, Mr. Speaker, we heard "earth."

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

*[Inaudible interjections]*

**The Speaker:** Continue on, continue on. Continue on.

**Mr. Jason Hayward:** As we continue on—

**The Speaker:** The Member clarified what she intended.

**Mr. Jason Hayward:** Mr. Speaker, we also consider the reply to the budget in which the Minister highlighted payroll tax. When I look at the Opposition's reply, they had no real solution regarding payroll tax. Their solution was to actually increase work permit fees—something that has nothing to do with payroll tax.

Mr. Speaker, the PLP Government supports progressive taxation. This is another step in that direction where we are ensuring that those that can afford more actually pay more. Those that can afford less actually pay less. It is amazing that the Shadow Minister of Finance does not agree with this policy. Espe-

cially, when it generated from her party. This is a continuation of the progressive payroll tax that the—

**An Hon. Member:** You are right.

**Mr. Jason Hayward:** —OBA Government had put in place.

**Hon. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

**The Speaker:** Point of order?

#### POINT OF ORDER

**Hon. Patricia J. Gordon-Pamplin:** Yes. As the Member speculates and lives in his own la-la-land, I think it is important—

**The Speaker:** Now, let us just, let us keep it up.

**Hon. Patricia J. Gordon-Pamplin:** —to understand that I recognise that it is—

**The Speaker:** Let us keep it up. Let us keep it up.

**Hon. Patricia J. Gordon-Pamplin:** —the OBA Government that actually introduced this progressive payroll tax—

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** —that we started this band. It was enhanced in the first year of the new PLP, the new administration. They enhanced the levels—

**The Speaker:** He gave credit!

**Hon. Patricia J. Gordon-Pamplin:** —and the benefits.

**The Speaker:** He gave credit!

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** But I am saying the way he says that he is *amazed* [is what] I do not agree with it considering it was us—

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** And I am not saying I do not agree with it. I am saying that I agree with that progressive level. I am just saying that people, as you go further up the chain, you are actually ending up paying more.

**The Speaker:** All right. He was giving you credit for it, your party, your Government.

*[Crosstalk]*

**Mr. Jason Hayward:** Mr. Speaker—

*[Crosstalk]*

**The Speaker:** Speak to the Chair, speak to the Chair.

**Mr. Jason Hayward:** Mr. Speaker, you cannot ruffle your way out of the facts and I think that is what is happening.

**Hon. Patricia J. Gordon-Pamplin:** And you cannot lie your way—

**The Speaker:** All right, Members. Members!

**Mr. Jason Hayward:** The Member who replied to the Budget did not put forward any concrete solutions. She disagreed with what was happening with what the Minister of Finance had put forward. What the Honourable Minister of Finance has put forward will benefit 75 per cent of the country. That should be something that is applauded.

**An Hon. Member:** Hear, hear!

**Mr. Jason Hayward:** Mr. Speaker, the Progressive Labour Party will continue to put policies in place that reduce the stress on those who are at the lower end of the earning scale. In addition, we will continue to support businesses that need reliefs, and these amendments actually accomplish those items.

So, I would have expected that the Opposition would have fully supported the amendments put forward by the Minister of Finance because they are practical, they are reasonable and they are what the country needs and requires at this period of time.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak? No other Honourable Member? Minister of Finance . . . oh, okay. Minister Furbert.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

I think it is important also, Mr. Speaker . . . and I would like to congratulate the Minister of Finance for the steps he has taken in this year's budget. But I think something also has to be highlighted. At the very beginning when the Progressive Labour Party became Government, they said that they felt that tax to the employer was prohibitive to growth. And so, what they put in place at the very beginning . . . as a matter of fact, there has not been any increase on payroll tax for the employer since 2017, I believe,

when the OBA Government was in . . . sorry, yes, 2017's budget, when they were in Government.

But what was interesting, Mr. Speaker, we saw a growth pattern that we had not seen from 2012 to 2017. By removing the payroll tax for any new hires in 2018, we saw a growth of over 400 new staff, or new individuals, working here in Bermuda. And that 400 in one year was more than the whole five years that the OBA was in Government. [As a] matter of fact, they did not see much of an increase in jobs at all during that period of time.

So, this year, the Government has to make another move and they said that any companies that has payroll tax between \$500,000 and \$1,000,000—they have now put that in place. So, encouraging . . . and there are 398 companies that it will impact. Can you imagine that each one of those companies will hire one more person where before they were prohibitive because they were paying payroll tax? This allows the Government not to only get more people working in the workforce but in addition will allow . . . [the Government] may not be getting payroll tax from the employer but we will eventually get payroll tax from the employee.

So, I would like to congratulate the Minister for making that goal move. Thank you.

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

Does any other Member . . . Minister?

**Hon. Curtis L. Dickinson:** Mr. Speaker, in the spirit of kind of how we started this day, I am going to try to stay on track—

**The Speaker:** Yes, do not be sidetracked!

**Hon. Curtis L. Dickinson:** —and say this: Governments, no matter which party is in power, are often faced with having to make difficult choices with respect to budgets and how they pursue fulfilling their priorities. What I have tried to do here is strike a balance. And while I appreciate that middle class taxpayers will be bearing a larger share of the burden we have tried to make it so that those who can afford to pay more actually do so in favour of those who can afford to pay less.

*[Inaudible interjections]*

**Hon. Curtis L. Dickinson:** With that, Mr. Speaker, I ask that the Bill be submitted to Committee.

**The Speaker:** Thank you, Minister.  
Deputy?

**House in Committee 7:23 pm**

*[Hon. Derrick V. Burgess, Sr., Chairman]*

## COMMITTEE ON BILL

### PAYROLL TAX AMENDMENT ACT 2020

**The Chairman:** Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Payroll Tax Amendment Act 2020](#).  
Minister.

**Hon. Curtis L. Dickinson:** Mr. Chairman, this Bill seeks to amend the Payroll Tax Act 1995 (“the principal Act”) and the Payroll Tax Rates Act 1995.  
I move clauses 1 through 6.

**The Chairman:** Continue.

**Hon. Curtis L. Dickinson:** Clause 1 is self-explanatory.

Clause 2 amends section 9[C] of the principal Act (new hire relief for qualifying employers), to add a reference to 2018 in the heading to avoid confusion with new section 9CA, and to include a definition of “full-time employee.”

Clause 3 inserts section 9CA in the principal Act to provide new hire relief for certain employers for the period 1 April 2020 to 31 March 2022. The new section provides that a qualifying employer who applies to the Commissioner will not be liable to pay the employer portion of payroll tax otherwise payable in respect of its qualifying employees for tax periods from 1 April 2020 to 31 March 2022, provided the employer is not in arrears with payroll tax and the increased number of full-time employees is maintained. For these purposes, a “qualifying employer” is defined as an employer with a payroll exceeding \$500,000 but not exceeding \$1 million liable to payroll tax at the rate set out in Class BB in section 5 of the Rates Act, who is not receiving other payroll tax relief; and a “qualifying employee” is a full-time employee whose employment with a qualifying employer (a) first commences during the period 1 April 2020 to 31 March 2022 (otherwise than as a result of a merger or acquisition), and (b) has the effect of increasing the employer's total number of full-time employees from the baseline total. The “baseline total” is defined as either the total disclosed in the employer's March 2020 payroll tax submission, or zero if the employer commences business on or after 1 April 2020. This section is modelled on section 9C, which introduced new hire relief for exempt undertakings and employers with a payroll over \$1 million, for the period from 1 April 2018 to 31 March 2021.

Clause 4 amends section 3A(1) of the Rates Act to adjust the standard rate bands for the employee portion of payroll tax. The lowest band is decreased from 4 per cent to 2 per cent. The other bands are increased from 6.5 per cent to 8.5 per cent, from 7.75 per cent to 9 per cent, and from 8.75 per cent to 9.5 per cent.

Clause 5 amends section BB in section 5 of the Rates Act, to reduce the employer rate of payroll tax for employers whose annual payroll is between \$200,000 and \$350,000 from 7 per cent to 3.5 per cent, and for employers whose annual payroll is between \$350,000 and \$500,000 from 7 per cent to 6.5 per cent.

Clause 6 provides for commencement on 1 April 2020.

**The Chairman:** Are there any further speakers? Thank you, Minister.

The Chair recognises the Honourable Member Pat Gordon-Pamplin.

You have the floor Ms. Pamplin.

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

Mr. Chairman, I have no questions on the actual schedules. As I said in the debate of the whole that we have . . . this was televised or telecast or predicted in the Budget Statement. We had observations. I still have those same observations.

I just wanted to refer to clause 4, and that is in section 3A(1) of the Payroll Tax Act, and mention that the first band of the up to \$48,000, which goes down to 2 per cent, which, according to the Budget Statement and reiterated by the Honourable Member that people at that level will have a savings of \$320 per annum, let me just point out that that comes out to maybe \$6 a week. That is probably a loaf of bread. I think that there is an important thing—

**The Chairman:** Well—

**Hon. Patricia J. Gordon-Pamplin:** —to be raised here.

**The Chairman:** Let me just be clear, I am not sure, because if you are talking about \$48,000, it is a savings of \$960 a year for \$48,000. I am not following you. I am just trying to follow you.

**Hon. Patricia J. Gordon-Pamplin:** [Not] \$48,000 . . . I think the Book indicated that it was \$320. A savings of \$930 was at \$36,000 . . . whatever that savings is, \$19 a month, \$6 a month, it is not . . . we are not talking about significant numbers of money. But we recognise—

**The Chairman:** I want to be clear—

**Hon. Patricia J. Gordon-Pamplin:** —that these rates—

**The Chairman:** —because with \$48,000, it is a savings of \$920 a year—

**An Hon. Member:** [It was] \$960.

**The Chairman:** [So] \$960 a year, which is \$80 a month.

**Hon. Patricia J. Gordon-Pamplin:** That is \$20 a week, approximately \$20 a week.

**The Chairman:** Well, \$18 a week.

**Hon. Patricia J. Gordon-Pamplin:** All right, so we will get a loaf of bread and an apple.

Thank you, Mr. Chairman.

**The Chairman:** Well, Member, you cannot use that language with me.

**Hon. Patricia J. Gordon-Pamplin:** No, that is not language.

**The Chairman:** That is not acceptable here, and I am going to ask you to withdraw that last remark.

**Hon. Patricia J. Gordon-Pamplin:** I will withdraw the remark, Mr. Chairman.

**The Chairman:** Thank you.

**Hon. Patricia J. Gordon-Pamplin:** [The] \$20 a week will not get us very much. So that is really the point that I was just trying to make.

Thank you.

**The Chairman:** Thank you.

*[Inaudible interjections]*

**The Chairman:** Are there any further speakers? Minister?

*[Pause]*

**The Chairman:** Minister, do you want to move—

*[Inaudible interjections]*

**Hon. Curtis L. Dickinson:** Please do not make me smile.

Mr. Chairman, I move that clauses 1 through 6 be approved.

**The Chairman:** It has been moved that clauses 1 through 6 be approved. Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 through 6 passed.]*

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the Bill be reported to the House—

**The Chairman:** The preamble first.

**Hon. Curtis L. Dickinson:** Sorry. I move that the preamble be approved.

**The Chairman:** It has been moved that the preamble be approved. Are there any objections to that?

There appear to be none.

Approved.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** It has been moved that the Bill be reported to the House as printed.

Are there any objections to that?

There appear to be none.

Approved.

The Bill will be reported to the House.

*[Motion carried: The Payroll Tax Amendment Act 2020 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 7:31 pm**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## **REPORT OF COMMITTEE**

### **PAYROLL TAX AMENDMENT ACT 2020**

**The Speaker:** Good evening, Members. Are there any objections to the Payroll Tax Amendment Act 2020 being reported to the House as printed?

There are none. It has been reported and moved. We will now move on to the next Order of the day which is the Customs Tariff Amendment Act 2020 in the name of the Minister of Finance.

Minister—

## **BILL**

### **SECOND READING**

#### **CUSTOMS TARIFF AMENDMENT ACT 2020**

**Hon. Curtis L. Dickinson:** Mr. Speaker, Honourable Members have requested now to give consideration to the Bill entitled Customs Tariff Amendment Act 2020.

Mr. Speaker, the Bill proposes to amend Customs Tariff Act 1970 (“the principal Act”) including measures that:

1. Amplify disaster relief responsiveness;
2. Bolster revenue diversion controls; and

3. Creates additional incentives to business.

The measures of this Bill affect both the principal Act and the First and Fifth Schedules thereto.

Mr. Speaker, before speaking on these various measures, I should mention a number of important revenue related measures that I spoke of in the Budget Statement in support of the Estimates of Revenue and Expenditure 2020/21, but which do not form part of the substance of this particular Bill.

Honourable Members will recall that in the Budget Statement I pledged that during this season the duty rates on cigarettes containing tobacco substitutes will be raised and that steps would be taken to insulate items containing relatively small amounts of sugar from the Sugar Tax. In addition, further assistance was promised to retailers in the form of expanded duty relief and streamlined duty deferrals.

Mr. Speaker, all of these things are being actively progressed by the Ministry of Finance and the Customs Department and are to be put in place during this session by means of other legislation by way of administrative simplification.

Mr. Speaker, I will now return to the Bill under consideration. I will begin with those measures of the Bill that are directed at amplifying Bermuda’s disaster responsiveness.

Honourable Members are aware that Bermuda is closely monitoring the global developments concerning the coronavirus (COVID-19). As has been previously announced by the Premier, the public health emergency response has set in motion careful, calculated and coordinated preparations to meet the challenges of even the worst-case scenario.

Mr. Speaker, to further assist with preparations for the immediate threat of COVID-19, the Bill proposes to introduce new end use duty relief (CPC 4235) for personal protective equipment and supplies to enhance existing strategic duty relief for goods intended for disaster relief.

Honourable Members will recall that in 2009, end use duty relief (CPC 4183) and temporary importation duty relief (CPC 5025) were enacted for goods for use in disaster relief bringing Bermuda into line with the International Convention on the simplification and harmonisation of customs procedures, the Kyoto Convention. Those existing reliefs allow duty free importation of food stuffs, medicaments, clothes, blankets, tents, water purifying and water storage items, or other goods of prime necessity forwarded as aid. Also duty free are temporary imports of equipment, vehicles and other means of transport, specially trained animals, provisions, supplies, personal effects and other goods for disaster relief personnel in order to perform their duties and to support them in living and working in Bermuda throughout the duration of their mission.

Mr. Speaker, any duty free imports of personal protective equipment and supplies under new CPC 4235 must be used only in connection with disease

prevention and control and must be certified it is eligible for relief by the Director of Health in accordance with policy guidelines issued by the Minister.

Honourable Members may have already taken note that the Minister's CPC 4235 policy guidelines, including the certified list of qualifying goods, has already been published on the Bermuda Government portal along with detailed guidance on importing and declaring goods for disaster relief including personal protective equipment and supplies.

Mr. Speaker, I hasten to explain that the publication of the Minister's policy guidelines is by no means premature. Due to the accelerated pace of preparations for COVID-19, the Bill proposes to make extraordinary provisions that CPC 4235 is deemed to have come into effect on 11 March 2020 in accordance with the Provisional Collection of Customs Duties Act 1960.

Mr. Speaker, I now turn to the measures of the Bill aimed at bolstering revenue diversion control. Honourable Members will be aware that it is the duty of Customs Officers to diligently pursue the proper payment of outstanding duty due where the holder of a relief wishes to dispose by sale or otherwise and goods imported duty-free under the relief. Customs Officers do this based on either the diversion provisions of the principal Act or the diversion provisions of other outlying enactments that provide duty relief or exemptions. Mr. Speaker, a review has revealed that there is outlying law providing duty exemption without diversion provisions. To address this void, the Bill proposes to amend the statutory obligation to pay duty upon diversion to include goods in respect of which duty relief or exemption was granted pursuant to any enactment other than the principal Act that does not have its own diversion provisions. In this way, the diversion provisions of the principal Act will apply to any existing and future enactment lacking its own diversion provisions unless made expressly immune.

Mr. Speaker, I will now progress to those measures of the Bill calculated to create additional incentives to local business.

Mr. Speaker, the Bill proposes to amend CPC 4169 of the Fifth Schedule to the principal Act, end use relief. CPC 4169 currently provides 100 per cent duty relief for a limited list of medical equipment and supplies. It is proposed to expand the list of qualifying goods to include diagnostic imaging equipment and supplies, and radiation therapy equipment and supplies. It is expected that these additions will be of great assistance to local businesses providing diagnostic imaging and radiation therapy services. It is anticipated that this will support less costly local medical services of these kinds, reducing also the need for incurring the added cost of travel and accommodation overseas.

Mr. Speaker, the Bill also proposes to amend CPC 4229 of the Fifth Schedule to the principal Act.

Currently, CPC 4229 provides a concessionary duty rate of 5 per cent for goods for local commercial manufacturing. Specifically, it is intended to remove the unhelpful restriction that qualifying goods must be incorporated in locally manufactured goods. By removing this restriction, the Minister will have wider discretion to approved goods such as manufacturing machines and equipment as well as articles like jigs, tools and dies. The Bill also seeks to broaden the effect of the CPC 4229 relief by including subassemblies within the definition of "commercial manufacture of goods."

Mr. Speaker, in addition to its three principal measures, the Bill proposed to make a number of miscellaneous amendments to the First Schedule to the principle Act, (Bermuda nomenclature and import duties) as follows:

- Chapter 33 is amended to reduce to 15 per cent the duty on essential oils.
- Chapter 87 is amended to reduce to zero the duty on non-motorised bikes.
- Chapter 89 is to be amended to reduce to 15 per cent the duty on motorboats with electric motor for propulsion.
- Chapter 97 is amended to align at 10 per cent the duty on all artwork.
- Chapter 98 is amended to increase the duty on wine to \$6 per litre, and to increase to \$12.89 the duty on spirits, imported via post and courier.

Finally, Mr. Speaker, the Bill makes a number of minor amendments to CPCs 4123, 4215, 4218 and 4232 of the Fifth Schedule to the principal Act to reflect title and other changes.

I will comment in further detail on these changes and the other measures of the Bill in Committee.

Mr. Speaker, that concludes my presentation on the Bill entitled Customs Tariff Amendment Act 2020. I welcome comments from our other Honourable Members.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 23. Honourable Member Pamplin, you have the floor.

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

In respect of the amended rates of these customs tariffs, we believe that they are measured, and they certainly are acceptable. There are some things such as on . . . well, I can speak generally, there are some things such as essential oils of citrus fruits, peppermint and other mints. I recognise the importance and the therapeutic benefit of such essential oils and I am certainly pleased to see those here on



this list. Some of the things that, as the Minister has indicated generally and I can speak to those when we get into Committee with being more specific, but certainly we would like to support the amendments that he is making to these various customs tariffs.

The one thing that I did want to mention is that when we are looking at importing different medical equipment and supplies, the Minister indicated, I believe, CPC 4169 or something in qualifying goods. We have things such as diagnostic imaging equipment and supplies, radiation therapy equipment and supplies and parts of and accessories of qualifying goods. These obviously are things that are not only needed in order to be able to enhance the diagnostic abilities for our people, but also to ensure that those abilities . . . that the machinery relating thereto is properly considered when we look at sort of enhancing what is deemed to be medical equipment and supplies. We certainly support that.

Mr. Speaker, the other observations that I have I can make in Committee. But more generally, there are some things coming in at zero rates, things like personal protective equipment, masks and the like. Certainly, as we are dealing with these external challenges that we have that are beyond our control, we certainly do not want to see price gouging by any organisation. So, the idea of zero import rate being applied to some of these imports I think is very positive.

But I think what is also very important is that the importers of such goods are made to be mindful of the fact that with a zero import rate, we recognise that shipping and various other costs append to the importation of goods. However, if the duty rate is down to zero or 5 per cent or something that is significantly low, then it should inure to the benefit of the taxpayer when they have to acquire these things for their personal use. So, we certainly approve and agree with and support the Minister on all of his customs tariffs amendments as he has included in this Act.

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

Does any other Member wish to speak?

Minister of Finance, you could have the floor again.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the Bill be committed.

**The Speaker:** Thank you.  
Deputy?

**House in Committee at 7:44 pm**

*[Hon. Derrick V. Burgess, Sr., Chairman]*

## COMMITTEE ON BILL

### CUSTOMS TARIFF AMENDMENT ACT 2020

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Customs Tariff Amendment Act 2020](#).

Minister, you have the floor.

**Hon. Curtis L. Dickinson:** Mr. Chairman, this Bill seeks to amend Customs Tariff Act 1970, the principal Act. I move clauses 1 through 5.

**The Chairman:** Continue.

**Hon. Curtis L. Dickinson:** Clause 1 is self-explanatory.

Clause 2 amends section 13(1) of the principal Act (obligation to pay duty upon diversion) to include goods in respect of which duty relief or exemption was granted pursuant to enactments other than the principal Act.

Clause 3 makes a number of miscellaneous amendments to the First Schedule to the principal Act (Bermuda nomenclature and import duties), including as follows:

- Chapter 33 is amended to reduce to 15 per cent the duty on essential oils.
- Chapter 87 is amended to reduce to zero the duty on non-motorised bicycles.
- Chapter 89 is amended to reduce to 15 per cent the duty on motorboats with electric motors for propulsion.
- Chapter 97 is amended to align at 10 per cent the duty on all artwork.
- Chapter 98 is amended to increase the duty on wine to \$6.00 per litre, and to increase to \$12.89 the duty on spirits, imported via post and courier.

Clause 4 amends the Fifth Schedule to the principal Act (end use relief). CPC 4169 (medical equipment and supplies) is amended to include diagnostic imaging and radiation therapy equipment and supplies. CPC 4229 (goods for local commercial manufacturing) is amended to remove the restriction that goods must be incorporated in locally manufactured goods, and to include subassemblies within the definition of "commercial manufacture of goods." CPC 4232 (goods for seniors and disabled persons' housing) is updated to refer to the Manager of Ageing and Disability Services. CPC 4234 (goods for local genetic testing and research) is inserted. New CPC 4235 provides a duty rate of 0.0 per cent for personal protective equipment and supplies used only in connection with disaster prevention and control and certified as eligible for relief by the Director of Health in accordance with policy guidelines issued by the Minister. Minor amendments are made to CPCs 4123, 4215 and 4218 to reflect title changes.

Clause 5 provides for the commencement on 1 April 2020. Section 4(6), which inserts new CPC 4235 into the Fifth Schedule of the principal Act (duty

rate of 0.0 per cent for personal protective equipment and supplies for disease prevention and control), is deemed to have come into effect on 11 March 2020, in accordance with the Provisional Collection of Customs Duties Act 1960.

**The Chairman:** Thank you, Minister.

Are there any further speakers? The Chair recognises the Honourable Member Pat Gordon-Pamplin. Ms. Pamplin, you have the floor.

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

Mr. Chairman, my question is only in respect of clause 3 which is amending the First Schedule, and this is on page 3 and it is in respect of subsection (6) where we were speaking of the Tariff Codes 9803.172 and 9803.173 which are the rates of duty in terms of a litre in respect of wine of fresh grapes and spirituous beverages.

I am just curious, because I think that when the Minister indicated that there would be no new taxes, is this something that has come . . . this was in the Budget Statement . . . is this something that has come . . . is that deemed to be just an adjustment to as opposed to a new tax? I just wanted to make sure that there is clarity in terms of those two items and that is it. None of which I can tell you, Mr. Chairman, will impact me because wine and spirituous beverages are just not my beverages of choice.

**The Chairman:** I am so glad you do not consume that!

*[Laughter]*

**The Chairman:** Minister, want to reply to that?

*[Laughter and inaudible interjections]*

**Hon. Curtis L. Dickinson:** I am going to leave that alone.

*[Laughter and inaudible interjection]*

**Hon. Curtis L. Dickinson:** No, I am not going to take the bait.

Mr. Chairman, the proposed changes here are aligning, or are bringing into parallel, the changes that were made last year in the substantive legislation. This change refers to goods that are brought in through the post office which were not reflected in the changes that were made last year.

**The Chairman:** Are there any further speakers?  
Ms. Gordon-Pamplin—

**Hon. Patricia J. Gordon-Pamplin:** No, that is very clear, and I certainly accept and appreciate the rea-

sons for this. I thank you and I can confirm to the Premier that I come by it very honestly. Thank you, sir.

**The Chairman:** Minister, you want to move . . . move the clauses first?

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that clauses 1 through 5 be approved.

**The Chairman:** It has been moved that clauses 1 through 5 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 through 5 passed.]*

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the preamble be approved.

**The Chairman:** It has been moved that the preamble be approved. Are there any objections to that?

There appear to be none.

Approved.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** It has been moved that the Bill be reported to the House as printed. Any objections to that?

There appear to be none.

Approved. The Bill will be reported to the House as printed.

*[Motion carried: The Customs Tariff Amendment Act 2020 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 7:50 pm**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## **REPORT OF COMMITTEE**

### **CUSTOMS TARIFF AMENDMENT ACT 2020**

**The Speaker:** Members, are there any objections to the Customs Tariff Amendment Act 2020 being reported to the House as printed?

There are none. It has been reported and so moved.

We now move on to the next item on the Order Paper which is the consideration of the Supplementary Estimate (No. 1) for 2018/19 in the name of the Minister of Finance.

Minister of Finance—

**BILL****SECOND READING****SUPPLEMENTARY ESTIMATE (NO. 1)  
FOR FINANCIAL YEAR 2018/19**

**Hon. Curtis L. Dickinson:** Mr. Speaker, this schedule identifies five items totalling \$8,914,242 to be included in the [Supplementary Estimate \(No. 1\) for 2018/19](#) made up of \$4,838,909 on current account and \$4,075,333 on capital account.

Honourable Members will note in respect of the total of \$8,914,242 supplementary, all is considered a technical supplementary. A technical supplementary indicates that the requirements for additional funding can be met within the original appropriated estimates. However, it cannot be transferred since they are appropriated within another Ministry and/or capital account. Final total account spending for 2018/19 was \$921.2 million, or \$7.9 million, or 0.9 per cent lower than the original estimate of \$929.1 million.

Supplementary Estimate (No. 1) for 2018/19 contains two main areas of expenditure which were above budget. The total supplementary request on current account, \$3.2 million relates to the Ministry of Public Works, Works and Engineering quarry programmes receipts which were less than projected to support the expenditures in both the transport and product services in this section along with \$1.6 million additional overtime required for the fire service department within the Ministry of National Security.

Total capital account spending for 2018/19 was \$58.6 million or \$3.6 million or 6.1 per cent lower than the original budget of \$62.2 million. On the capital account, \$4.1 million relates to three capital development projects: \$1 million for the National Sports Centre capital grant to assist with the remediation work on the Centre's grandstand along with two Ministry of Public Works projects; \$2.9 million for the relocation of the Artemis building from Morgan's Point to replace buildings at the Government quarry and \$109,000 for an increase in the street lighting improvement contract. In respect of all capital projects, savings from existing capital projects has been identified. However, a technical supplementary is required to establish a revised and restate a total authorised figure in 2018/19.

Honourable Members will recall that the criteria for determining debatable supplementary estimates requires all items on the current account to be debated if the total current account spend of the Ministry shows an increase greater than 10 per cent or \$250,000 when compared to the original estimate. All capital items are debatable.

Applying the criteria that I have just described, two items on the current account and all capital ac-

count items are debatable. I would therefore move approval of the items as follows:

1. Current Account: 1 and 2, debatable.
2. Capital account: Items 4 and 5, all debatable.

I would now like to move to Committee Supplementary Estimate (No. 1) for 2018/19.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Honourable Member, would you like to speak to this one?

**Hon. Patricia J. Gordon-Pamplin:** I can, Mr. Speaker—

**The Speaker:** Yes.

**Hon. Patricia J. Gordon-Pamplin:** Only to say that these are supplementaries in respect of specific Ministries and our Shadow Ministers will actually speak to the items thereto, for those items that are debatable.

**The Speaker:** Thank you.

Does any other Member wish to speak?  
Opposition Leader, you have the floor.

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

Actually, I do not have any questions at all. As we went through the Budget Brief, quite a bit was discussed already.

I recognise the supplementary amount from Public Works for \$3.2 million and to Works and Engineering for \$3 million. I really do not have any questions to add to the supplementaries. We know and recognise that they are part of recharges and they need to be done. So, there are no questions concerning [them].

**The Speaker:** Thank you.

Does any other Member wish to speak?  
No other Member?  
Minister.

*[Crosstalk]*

**The Speaker:** Yes, you will take us into Committee.

**Hon. Curtis L. Dickinson:** Mr. Speaker, in accordance with Standing Order 43(4) and 43(5), I move that Supplementary Estimate (No. 1) for the Financial Year 2018/19 be approved.

**POINT OF ORDER**

**Hon. Patricia J. Gordon-Pamplin:** Point of order, Mr. Speaker.

**The Speaker:** Did you not say—one second.

*[Pause]*

**Hon. Curtis L. Dickinson:** I am only reading what I see on the piece of paper.

*[Laughter]*

**The Speaker:** Just move us into Committee first and then we can come back and do that.

**Hon. Curtis L. Dickinson:** I move that Supplementary Estimate (No. 1) for the Financial Year 2018/19 be moved to Committee.

**The Speaker:** Okay.  
Deputy?

**House in Committee at 7:57 pm**

*[Hon. Derrick V. Burgess, Sr., Chairman]*

## COMMITTEE OF SUPPLY

### SUPPLEMENTARY ESTIMATE (NO. 1) FOR FINANCIAL YEAR 2018/19

**The Chairman:** The substantive Ministers—first it will be the Minister of Public Works who will speak to Head 82.

**Lt. Col. Hon. David A. Burch:** Mr. Chairman, do you wish for me to do current and capital together?

**The Chairman:** You can.

**Lt. Col. Hon. David A. Burch:** Okay. Can we start with a correction then to this amendment?

In capital, in Works and Engineering, it should be Head 82 instead of 65.

**The Chairman:** Okay.

**Lt. Col. Hon. David A. Burch:** Mr. Chairman, let me just say to say I was surprised that we have a supplementary would be an understatement for 2018/19. But be that as it may, I was pleased to hear the Minister of Finance say it was a technical supplementary and I do not have to find any more money or be penalised.

**The Chairman:** Mm-hmm.

**Lt. Col. Hon. David A. Burch:** But, Mr. Chairman, the budget for cost centre 92034 quarry receipts, an internal recharge budget with a negative value was set at \$5.5 million, in fiscal 2018/19. This internal recharge amount represents a value of work that the quarry does for other departments in the wider government which means that the quarry will maintain vehicles

belonging to other departments, fuel them, or lend fleet or equipment support to other departments and charge them for such.

Instead of recharging other government departments, in this paragraph I am going to read it because they gave it to me, and I have left it in because I did not get highlights. A real challenge that we have in this whole process, Mr. Chairman, I have spent a couple of hours today trying to get out of my bean counters some sense of this. And so, I am putting it in Hansard so it might get fixed, Financial Secretary.

So, instead of recharging other government departments—a nightmare in itself—we (not me, they) transferred all of our maintenance budgets in the Ministry to the quarry to manage it all instead of recharging. Hence, no actual amounts were recorded as receipts. Together with lower than budgeted capital expenditure in the year, this had the effect of increasing the current account expenditure in the fiscal year.

Now, in my math, Mr. Chairman, non-Berkeley math, I should have a \$5.5 million credit. Anyway, I shall press on.

**The Chairman:** Yes.

**Lt. Col. Hon. David A. Burch:** Should I not? Right.

**The Chairman:** Yes.

**Lt. Col. Hon. David A. Burch:** It is complicated to confuse all of us who sit in this House, or sit in this job.

In relation to quarry refurbishment, 75264, Mr. Chairman, the Ministry of Public Works undertook to relocate the previously procured Artemis building from Morgan's Point and to separate it into two separate buildings, as a new warehouse building for the stores section and a new heavy equipment workshop for the quarry section, at the government quarry for an estimated total of \$2,946,243.

Mr. Chairman, the lighting improvements under cost code 75046, the Ministry entered into an agreement with the Bermuda Electric Light Company to replace streetlights with LED lights over a 10-year period beginning in 2015. The lease agreement between BELCO will supply, install and commission 4,400 LED lights together with the associated controls and monitoring system for a sum of \$4.5 million.

The government will pay this back over a 120-month period at the end of which ownership of the works and all warranties shall pass to the government. In 2018/19 an additional \$109,090 was spent on additional personnel to ensure that this project was on schedule and explore suitability to other government buildings. The officer was tasked with research and replacement of lights in select buildings to obtain economies of scale. Therefore, an additional amount of \$109,090 was spent on supplies and personnel.

The Ministry requests that a supplement of that amount be approved to capital cost centre 75046.

Thank you, Mr. Chairman.

**The Chairman:** Thank you. Are there any further speakers?

There appear to be none.

The next Ministry—

*[Crosstalk]*

**The Chairman:** Oh, yes. Can you move that to be approved, Colonel?

**Lt. Col. Hon. David A. Burch:** Mr. Chairman, I move that Head 82 under the current account for quarry transport products and recharges of \$3,235,866 and works and engineering capital development for quarry refurbishment and streetlighting of \$3,055,333 be approved.

**The Chairman:** It has been moved that Heads . . . item 1 and item 5 . . . item 1, Head 82 and item 5 under Head 82 be approved. Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Head 82, Public Works, passed.]*

**The Chairman:** The next one is the Ministry of National Security. Mr. Caines—

**Hon. Wayne Caines:** Mr. Chairman, I rise this evening to provide a briefing on the supplementary budget increase for the Ministry of National Security in the amount of \$1.56 million.

The Ministry of National Security received a budget allocation of \$1.37 million. The actual for 2018/19 budget was spent \$139.3 million which represents a 101 per cent of the approved budget.

As mentioned, this is a \$1.56 million over the approved budget estimates for the Ministry. This amount consists of overspends in the Bermuda Police Service (\$557,000), the Bermuda Customs (\$737,506), the Bermuda Fire and Rescue Service (\$2,130,210).

The overspends were offset by the departments within the Ministry that were under budget due to disciplined expense management and less volatility in operations. Additionally, during the year-end closing processes, some non-cash accruals had the effect of reducing expenses in some departments.

Mr. Chairman, the reason for the majority of these overspends of the amount is overtime occurred in these departments. The overtime is duly driven by staff shortages. Oftentimes, it is cheaper to fill a vacant funded position than it is incur overtime at time-and-a-half or double-time.

However, there are significant challenges to filling these positions and there are currently other vacant positions within the Ministry that have no funding. The first challenge is obtaining funding for vacant posts. The second challenge is obtaining the approval to fill the post. The third challenge is the recruitment process. In many departments, it takes in excess of six months with the requirements of background checks and vetting, psychological testing, academic testing, skills testing, physical fitness testing, medical testing, drug testing and interviews. Since the fiscal year 2018/19, substantial actions have been taken in moving forward to address the issues of overtime.

*[Pause]*

*[Inaudible interjection]*

**Hon. Wayne Caines:** Yes, Mr. Chairman.

*[Crosstalk]*

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

Mr. Chairman, the Minister ran very quickly through the areas of overspends in relation to overtime, but he indicated . . . this supplementary under item 2 is in respect of fire services and the Minister spoke about overspends in police and customs and fire.

He ran through the numbers very quickly and then he said that there were some accrual releases that offset to reduce expenditures. But unfortunately, I did not get the numbers that he had. If he could just be good enough to let me know what those numbers are so that I can have a better idea and whether we are looking at the entire department or if we are only looking at the area in respect of fire services, which is what I believe we should be doing, and that is a total of \$1,556,495.

**Hon. Wayne Caines:** Mr. Chairman, I crave your indulgence for a quick second.

**The Chairman:** Yes.

*[Pause]*

**Hon. Wayne Caines:** Mr. Chairman, since the 2018/19 fiscal year, the Bermuda Fire and Rescue Services has taken significant steps to attempt to address the issues of overtime. However, the impact of these actions will not fully be felt until 2020. The Bermuda Fire and Rescue Service obtained approval to fulfil a number of vacant, funded fire fighter positions which will have a significant impact on reducing the overtime budget. The recruitment process began in earnest in October 2019 and a new cohort of fire fighters have been offered positions.

**The Chairman:** Minister, I think what she wanted . . . you laid out some figures on overtime for police, fire department, and I think she was asking for those numbers.

**Hon. Wayne Caines:** Mr. Chairman—

**Hon. Patricia J. Gordon-Pamplin:** Just if I may, Mr. Chairman, for clarity. What the Minister is now saying is what I believe what I wanted. What he indicated earlier, I think, was an overview and he spoke to police and customs and we did not need those numbers because this supplementary is in respect only of the fire services. So, what he is now reading I believe is what I am looking for.

Thank you.

**The Chairman:** Okay. Continue, Minister. My apologies.

**Hon. Wayne Caines:** I crave your indulgence, Mr. Chairman.

[Pause]

**The Chairman:** Mm-hmm.

**Hon. Wayne Caines:** Mr. Chairman, the recruitment process in earnest began in October 2019 and a new cohort of fire fighters has been offered positions. From about 100 applicants, after some testing, 25 were interviewed and ultimately the Bermuda Fire and Rescue Service expect to have 13 new fire fighters to start in April 2020.

Similarly, the emergency medical dispatchers and the emergency medical coordinators and a mechanic have recently started or are soon to start with the Bermuda Fire and Rescue Service. Additionally, there were several recent promotions at the Bermuda Fire and Rescue Service to allow critical vacancies to be filled. This also leaves more scope for further fire fighters to be brought on board in 2020.

Mr. Chairman, the crux of it is this year we had some significant fires which required significant overtime. We can think of the fire that we had in St. George's. There was a fire that was recently in Dockyard . . . no, that is not this year.

Mr. Chairman, there were a number of fires and with the lack of the composite of fire fighters based on their shift pattern, we see an escalation of overtime to make up the different crews around the Island. What we are seeing now is that this is not the normal process, this is not the normal process of hiring the average person where you would simply just go in and hire a person and come out.

There are psychological tests, there are a number of tests that allow for this process to take longer than normal. What this does though, Mr. Chairman, is it allows for the process when it is not

completed for them to rely heavily on overtime. When you are relying heavily on overtime you still have to make sure that you have the complement of fire fighters at the airport, at the Port Royal in the city of Hamilton and you are seeing with the [increase of] calls that they are doing, over 1,000 calls—whether it is EMT calls, whether it is accidents, whether it is at the airport—you see with having to have a specific number of fire fighters going to each call and to each EMT call or to each road accident, having that complement at each fire station based on the lack of numbers, we have seen the increase in overtime, and that is what the lion's share of this money was for—overtime.

How is that being managed? How is that being mitigated? It is being mitigated by a recruit foundation course. Every other year we have had a recruit foundation course. You cannot just go out and hire 50 new fire fighters because of the funded post. As we are seeing now, there is a nuance. The nuance is you are still paying more money but they are not funded posts and so that is something, a long-term fix, a more in-depth fix, has to . . . where we are looking at restructuring and collective bargaining agreements, but we have to look at how this thing is actually organised.

But in the main, we have to say, *How do we triage this problem* and that is why [we are] getting more fire fighters on the service.

The Bermuda Fire Service also is working on the succession planning. We saw fire fighters when they get to the age of 55, they actually have to come off the trucks. And so with the actual delta with the needing fire fighters, then you have the other problem of fire fighters who are retiring. We have to have specific numbers of fire fighters and how do you keep that shift to shift? You have to bring in fire fighters off of their off-shift, and then you are paying double-time, and that is how our numbers are increasing.

Some, Mr. Chairman, some jobs you can go in understaffed for a particular shift. You cannot do so with the Bermuda Fire Service. There are mandated numbers that you have to have at the airport to keep that global accreditation that we have for the airport. And so, when you are seeing those numbers, officers are coming in and this is what we are having for the overtime.

We realise that this is something that is quite considerable, and we are doing things in our power to get the numbers down. As you can see, over 100 people were tested for the fire service. Immediately we can tell you, Mr. Chairman, that we have challenges with the psychological test. We have challenges with the fitness, with elements of this test dwindling that [number] down.

I spoke with the Chief Fire Officer to get this number . . . it has been a struggle. It has been a struggle. So, as a country we are working through some challenges. And we see that in a number of our uniformed services, struggling to get fit and proper

people to answer the call based on the criteria that are being set for each one of these organisations.

I digress, Mr. Chairman. Twenty-five men, out of the 100, 25 were interviewed and ultimately 13 new recruits will start in April and, similarly, emergency dispatchers, emergency medical coordinators and one mechanic will soon start with the Bermuda Fire and Rescue Service.

**Hon. Patricia J. Gordon-Pamplin:** Point of clarification, Mr. Chairman.

**The Chairman:** Continue.

#### POINT OF CLARIFICATION

**Hon. Patricia J. Gordon-Pamplin:** I am fully appreciative of what the Minister is indicating in terms of what the plan is going forward. But I do not believe that the plans that he has got here are actually reflecting in these numbers that we are having for a supplementary from the year past.

So, I think the number that the Minister indicated when he was first running down the brief was \$2,130,210 for fire as the charge and since this total that we have for the charge for fire is \$1.556 million, the Minister had indicated that there were some accruals that had been, that were sort of excessive accruals that were released.

So, I just wondered if he could confirm that we had \$673,000 or \$674,000 of accruals that were released as against the \$2.130 million of charges to bring it down to the \$1,556,495 . . . I just want to make sure that we understand what is happening.

**Hon. Wayne Caines:** Yes, there were some accruals in the department. There were accruals in . . . there were some accruals from other departments that were added that when tallied together caused the number to come to \$1,556,643 at the end.

**The Chairman:** Okay.

Any further questions?

Okay, Minister, do you want to move that Head and item 2, Head 45? You want to move that Minister?

Move . . . oh, I am sorry. Go ahead. I am sorry.

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

Mr. Chairman, it is interesting that the Minister has just handed me a full list and in actual fact, this supplementary may be incorrectly stated inasmuch as the schedule that he has given to me incorporates all of that particular Ministry. So, maybe if we could get the correct numbers and the Minister, we can discuss it offline, but I do not believe that this number . . . that

it is all fire based on what he has got here on the schedule that he has just given to me.

**The Chairman:** Okay. All right. Minister, you will get with her and confirm, reconcile the figures.

But do you want to move item 2, Head 45 for \$1.5 million?

*[Pause]*

**The Chairman:** Just move item 2, Head 45.

**Hon. Wayne Caines:** Mr. Chairman, I move item 2, Head 45.

**The Chairman:** It has been moved that item 2, Head 45 be approved. Are there any objections to it?

Come on, you got to—

**Hon. Patricia J. Gordon-Pamplin:** No, sorry—

**The Chairman:** Yes, but, you know when we ask and you just do not come up like this, you know—

**Hon. Patricia J. Gordon-Pamplin:** No, I am sorry. The Minister said he is moving Head 45—

**The Chairman:** Yes.

**Hon. Patricia J. Gordon-Pamplin:** I am just trying to correct. I asked if he could make a correction. It is Head 23, which is the Ministry, the entire Ministry and that is what comes back to the number of—

*[Crosstalk]*

**Hon. Patricia J. Gordon-Pamplin:** This has 23 National Security, and it is coming back to \$1,556,493. So that is the total number and I am satisfied with that number, if we can just get the Head correct, that it is the Ministry and not just fire services, then I think that makes the supplementary correct.

**The Chairman:** What is the Head supposed to be?

*[Laughter and crosstalk]*

**The Chairman:** No, I can only deal with what is in front of us, but I appreciate—

*[Crosstalk]*

**The Chairman:** What Head is it?

**Hon. Wayne Caines:** It is Head 23.

**The Chairman:** [Head] 23?

**Hon. Wayne Caines:** Yes.

[Crosstalk]

**Hon. Wayne Caines:** Mr. Chairman, I would like to move Head 23—

**The Chairman:** And item 2. Thank you, Ms. [Gordon-]Pamplin.

These . . . anyhow . . . it has been moved that item 2, Head 23 be approved. Are there any objections to that?

No objections. Approved.

*[Motion carried: Head 23, National Security, passed.]*

**The Chairman:** I am hoping the rest of these figures are correct because they are coming before legislators and we need not to be correcting these at this stage. Thank you.

[Crosstalk]

**The Chairman:** No, I am talking about the Heads. The Heads are not correct.

[Crosstalk]

**The Chairman:** Minister De Silva, will you move item 3, Head 95—I hope this is correct.

[Crosstalk]

**The Chairman:** It is not debatable, so just move the Head. Just move it to be approved. Item 3, Head 95.

**Hon. Zane J. S. De Silva:** Mr. Chairman, I move item 3, Head 55 *[sic]*—

**The Chairman:** Head 95.

**Hon. Zane J. S. De Silva:** [Head] 95 . 95.

**The Chairman:** It has been moved that item 3, Head 95 be approved. Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Head 95, Economic Development and Tourism, passed.]*

**The Chairman:** The next one is item 4, Head . . . I am sorry—

[Crosstalk]

**The Chairman:** Yes, item 4 . . . no that is already done . . . no, it isn't . . . item 4, Youth—

**Hon. Lovitta F. Foggo:** —Sport and Recreation.

**The Chairman:** Head 65, mine is scratched out. Head 65.

Minister Foggo—

**Hon. Lovitta F. Foggo:** Yes, Mr. Chairman.

Mr. Chairman, as pointed out here, all of the money is going to the repairs—much needed repairs—at our National Sports Centre.

In fact, Mr. Chairman, it indeed covers not just the repairs but all of the oversight project management work that was put in place to ensure that the work that was done was in keeping with the budget that was given.

As everybody knows, I think, the National Sports Centre was in a dire state of disrepair and, in fact, was going to be subject to closure if we did not get the health and safety standards to the standard that it needed to be in order to allow persons to be able to come to the stadium and watch any sporting games that would take place. In fact, we did meet a slight bump in the road when it was required, because of the regulations that govern CONCACAF Gold [Cup], that much of the scaffolding and work that had to be put up to get the works done had to come down so that sporting events could take place, and this created a little bit of a setback.

But, nonetheless, Mr. Chairman, we were able to get all of the work done in a timely manner and the money was well spent on putting the stadium in a good state.

**The Chairman:** Thank you, Minister.

Any further speakers, Youth and Sport?

There appear to be none.

Minister, do you want to move item 4, Head 65 for approval?

**Hon. Lovitta F. Foggo:** Yes, Mr. Chairman, I would like to move item 4, Head 65 for approval.

**The Chairman:** It has been moved that item 4, Head 65 be approved. Any objections to that?

There appear to be none. Approved.

*[Motion carried: Head 65, Youth, Sport and Recreation, passed.]*

**Hon. Lovitta F. Foggo:** Thank you.

**The Chairman:** Minister of Finance—

**Hon. Curtis L. Dickinson:** Is that it?

**The Chairman:** Yes, that is it.

[Crosstalk]



**Hon. Curtis L. Dickinson:** Mr. Chairman, I move the adoption of the Supplementary Estimate (No. 1) for 2018/19 as printed be reported to the House.

**The Chairman:** It has been moved that the debate on the Heads be approved and adopted and reported to the House.

Are there any objections to that?

There appear to be none.

It will be reported to the House.

*[Motion carried: The Supplementary Estimate (No. 1) for Financial Year 2018/19 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 8:21 pm**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## **REPORT OF COMMITTEE**

### **SUPPLEMENTARY ESTIMATE (NO. 1) FOR FINANCIAL YEAR 2018/19**

**The Speaker:** Good evening, Members. Are there any objections to the Supplementary Estimate (No. 1) for Financial Year 2018/19 being reported to the House as printed?

There are none. It has been moved and so accepted.

We now move on to the next item on the Order Paper, which is the Bermuda Monetary Authority Amendment Act 2020, again in the name of the Minister of Finance—

Minister of Finance—

## **BILL**

### **SECOND READING**

#### **BERMUDA MONETARY AUTHORITY AMENDMENT ACT 2020**

**Hon. Curtis L. Dickinson:** Mr. Speaker, I am pleased to present to the House the bill entitled the Bermuda Monetary Authority Amendment Act 2020.

This Bill amends the Bermuda Monetary Authority Act 1969 by amending the Fourth Schedule to the Act to revise certain fees payable to the Bermuda Monetary Authority. Specifically, Mr. Speaker, this Bill makes provision for necessary corrections in respect of various fees currently misstated in or omitted from the Fourth Schedule to the Act. The proposed corrections relate to fees payable under the following Acts: the Corporate Service Provider Business Act 2012; the Fund Administration Provider Business Act 2019; the Insurance Act 1978; the Investment Funds Act

2006; the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008; the Digital Asset Business Act 2018; and the Bermuda Monetary Authority Act 1969.

Mr. Speaker, by way of background, in 2018 the Authority undertook a comprehensive fee revision process which involved significant consultation with relevant industry sectors. In its consultation paper published on 22 August 2018, the Authority explained the rationale behind the wide-ranging changes proposed to both the fees payable in a number of sectors and the basis of calculating such fees. At the end of this process, the Bermuda Monetary Authority Amendment (No. 3) Act 2018 which contained fee schedules for the years 2019, 2020 and 2021 was passed by this Honourable House.

Mr. Speaker, the fee revision process undertaken in 2018 was extremely comprehensive addressing virtually all fees in all regulated sectors and covering a three-year period. A regrettable consequence of the extensive and complex nature of the changes made at that time and subsequently fee-related amendments to the impacted pieces of legislation is that a small number of fees are misstated in or omitted from one or more parts of the Fourth Schedule to the Bermuda Monetary Authority Act 1969. This Bill addresses the anomalies appearing in Part B relating to 2020 fees and/or Part C relating to 2021 fees of the Fourth Schedule.

Mr. Speaker, I wish to emphasise that the amendments to be made by way of this Bill will simply result in the establishment of fees that were the subject of previous engagement with various stakeholders. Indeed, in a number of cases the amendments are being made to reinstitute fees which were already in force, but which were inadvertently repealed or omitted following subsequent legislative action.

Mr. Speaker, in closing I would like to thank all of those persons within the Bermuda Monetary Authority, the Attorney General's Chambers and the Ministry of Finance who have assisted with the development of this Bill.

Mr. Speaker, I recommend that the Bill be referred to Committee.

**The Speaker:** Is there any . . . before you go to Committee, have we other Members that wish to speak?

Member from [constituency] 23, would you like to make a contribution?

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

Mr. Speaker, we support the amendments. Obviously, when there are omissions they need to be corrected, and the Minister has explained the reasons why some of the fees might seem to be anomalous. However, with that said, I am happy to support the

Minister with this Bill and we can make any further comments in Committee.

**The Speaker:** Does any other Member wish to speak?

None? Minister, now you can move us to Committee.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the Bill be committed.

**The Speaker:** Thank you.  
Deputy?

**House in Committee at 8:26 pm**

*[Hon. Derrick V. Burgess, Sr., Chairman]*

## COMMITTEE ON BILL

### BERMUDA MONETARY AUTHORITY AMENDMENT ACT 2020

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Bermuda Monetary Authority Amendment Act 2020](#).

Minister, you have the floor.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move clauses 1 through 3.

**The Chairman:** Continue.

**Hon. Curtis L. Dickinson:** Clause 1. This clause will give the title of Bermuda Monetary Authority Amendment Act 2020 to the Bill.

Clause 2. This clause proposes to amend the principal Act in Part B of the Fourth Schedule to correct misstatements and/or omissions with respect to the fees payable in 2020 under the Corporate Service Provider Business Act 2012; the Fund Administration Provider Business Act 2019; the Insurance Act 1978; the Investment Funds Act 2006; the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008; the Digital Asset Business Act 2018; and the Bermuda Monetary Authority Act 1969.

Clause 3. This clause proposes to amend the principal Act in Part C of the Fourth Schedule to correct misstatements and/or omissions with respect to the fees payable in 2020 under the Corporate Service Provider Business Act 2012; the Fund Administration Provider Business Act 2019; the Insurance Act 1978; the Investment Funds Act 2006; the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act [2008]; the Digital Asset Business Act 2018; and the Bermuda Monetary Authority Act 1969.

Thank you, Mr. Chairman.

**The Chairman:** Are there any further speakers? The Chair recognises the Honourable Member Gordon-Pamplin.

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

Mr. Chairman, I just have a question. And because it relates to all of the clauses, if I can just ask the one question, because the answer will probably respond to all. And the question is, because there were errors or omissions, were the actual fees that were paid paid according to the erroneous amounts, or were they paid according to the correct amounts that the, you know, the Monetary Authority would have levied for companies.

**The Chairman:** Minister?

**Hon. Curtis L. Dickinson:** Mr. Chairman, wow . . . this must have been a doctor who wrote this—

*[Laughter]*

**Hon. Curtis L. Dickinson:** A doctor who wrote this—

*[Laughter]*

**Hon. Curtis L. Dickinson:** The fees were paid correctly, and many are not due until 31 March 2020.

**The Chairman:** Any further questions?

Minister, do you want to move the clauses of the Schedule and then the preamble?

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move clauses 1 through 3.

**The Chairman:** It has been moved that clauses 1 through 3 be approved.

Any objections to that?

There appear to be none.

*[Motion carried: Clauses 1 through 3 passed.]*

**The Chairman:** You can move the Schedule.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the Schedule be approved.

**The Chairman:** It has been moved that the Schedule be approved.

Are there any objections to that? There appear to be none.

Approved.

**The Chairman:** And the preamble.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the preamble be approved.

**The Chairman:** It has been moved that the preamble be approved.

Are there any objections to that?

There appear to be none.

Approved.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** It has been moved that the Bill be reported to the House as printed. Any objections to that?

There appear to be none. The Bill will be reported to the House as printed.

*[Motion carried: The Bermuda Monetary Authority Amendment Act 2020 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 8:30 pm**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## **REPORT OF COMMITTEE**

### **BERMUDA MONETARY AUTHORITY AMENDMENT ACT 2020**

**The Speaker:** Members, are there any objections to the Bermuda Monetary Authority Amendment Act 2020 being reported to the House as printed?

No objections. It has been moved and accepted.

We now move on to the next Order which is the Electronic Communications (Regulatory Authority Fees) Regulations 2020 in the name of the Minister of Home Affairs.

Minister.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

*[Laughter]*

**The Speaker:** I missed something!

**Hon. Walter H. Roban:** It is so wonderful to hear the camaraderie in the House today.

*[Laughter]*

**Hon. Walter H. Roban:** People so willing to be so efficient with the passing of legislation, Mr. Speaker.

*[Laughter]*

## **SUSPENSION OF STANDING ORDER 29(1)**

**Hon. Walter H. Roban:** But, Mr. Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the consideration of the draft regulations entitled Electronic Communications (Regulatory [Authority] Fees) Regulations 2020 proposed to be made by the Minister responsible for Telecommunications in exercise of the powers conferred by section 6 and 11 of the Electronic Communications Act 2011.

**The Speaker:** Are there any objections to that?  
Would you like to speak to that, madam?

**Ms. Leah K. Scott:** Mr. Speaker.

*[Crosstalk]*

**The Speaker:** Yes, yes, I was wondering why he sat down.

**Hon. Walter H. Roban:** Mr. Speaker.

**The Speaker:** You were just moving it, so you now want to speak to it, right?

**Hon. Walter H. Roban:** I was asking for the House's approval for a Standing Order to suspend . . . oh, so I can proceed?

**The Speaker:** Yes, yes.

**Hon. Walter H. Roban:** Because I had to suspend—

**The Speaker:** Yes, yes, that is what I thought. I was wondering why you sat down.

**Hon. Walter H. Roban:** I had to present that so that I could go—

**The Speaker:** Yes, now you proceed, yes.

**Hon. Walter H. Roban:** —because now we are moving contrary to normal practice and rule so—

**The Speaker:** Yes.

**Hon. Walter H. Roban:** I am asking would the House approve—

**The Speaker:** Yes, the House. . . any objections to proceeding?

No objections. Continue on now, Minister.

*[Motion carried: Standing Order 29(1) suspended.]*

*[Crosstalk]*

**Hon. Walter H. Roban:** Hey, I am trying! I am trying, Mr. Speaker!

**The Speaker:** Everybody was just so anxious to get to it! See that?

**Hon. Walter H. Roban:** Well, I am not trying to break the rules, either!

*[Laughter]*

## REGULATIONS

### ELECTRONIC COMMUNICATIONS (REGULATORY AUTHORITY FEES) REGULATIONS 2020

**Hon. Walter H. Roban:** Mr. Speaker, with the Governor's recommendations and in accordance with section 36(3) of the Bermuda Constitution, I move that consideration be given to the draft regulations entitled the [Electronic Communications \(Regulatory Authority Fees\) Regulations 2020](#) proposed to be made by the Minister responsible for Telecommunications in exercise of the powers conferred by section 6 and 11 of the Electronic Communications Act 2011.

Mr. Speaker, I am pleased to present the Electronic Communications (Regulatory Authority Fees) Regulations 2020 for consideration by this Honourable House, as per the sections that I have already stated more than once.

Mr. Speaker, these fees are what in part fund the activities of the Regulatory Authority of Bermuda. These fees are imposed on each carrier who provides services to consumers according to terms and conditions delineated in their Individual Communications Operating Licence known as ICOL. The fees are calculated on the basis of relevant turnover of which a percentage is assessed. The percentage proposed for this coming year is 1.75 per cent, remaining unchanged from last year's regulations.

Mr. Speaker, this fee contributes to the funds collected by and for the use of the Regulatory Authority. These funds allow the Regulatory Authority to fulfil its statutory obligations under the Regulatory [Authority] Act 2011 and the Electronic Communications Act 2011 among which are to conduct market studies to impose remedies to enforce regulations and to protect consumers.

Mr. Speaker, in closing, the fee is not changing from the current 1.75 of turnover but section 44 of the Regulatory [Authority] Act 2011 requires the fees to be reviewed annually and if the regulations are not made, the fees would increase by the consumer price index under section 14 of that section.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister. Would anyone like to speak to this?

I see a hand go up . . . before you jump over the chair, madam! You were so anxious before.

*[Laughter]*

**The Speaker:** Madam, would you like to rise?

*[Laughter and crosstalk]*

**The Speaker:** We recognise the Deputy Opposition Leader. Honourable Member, you have the floor.

**Ms. Leah K. Scott:** Thank you, Mr. Speaker.

**Ms. Leah K. Scott:** The coronavirus is causing people to find all kinds of members of their family that they did not know they had before.

*[Laughter]*

**Ms. Leah K. Scott:** We on this side have no objection to this legislation, Mr. Speaker. I spoke to the Deputy Premier about it and he said it is a cost of living increase and we are in support. So, thank you.

**The Speaker:** Thank you. Does anyone else wish to speak?

No one else.  
Minister, you can—

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I move that the said draft regulations be approved and that a suitable message be sent to His Excellency the Governor. Thank you.

**The Speaker:** Any objections to that?

No objections to that. It has been moved and accepted.

*[Motion carried: The Electronic Communications (Regulatory Authority Fees) Regulations 2020 were approved.]*

**The Speaker:** Minister of Finance, I believe the next matter is yours. It is the Government Loans Amendment Act 2020.

**Hon. Curtis L. Dickinson:** No, I tabled that earlier, so I think—

**An Hon. Member:** We are done?

**The Speaker:** I thought you were going to do all three readings today.

*[Crosstalk]*

**The Speaker:** Yes, you were doing all three readings today, right?

[Crosstalk]

**The Speaker:** Oh, tell you what . . . while you are sorting yourself out on that, you can do [Order] No. 8, the Salary resolution. Premier, if you want . . . Premier, if you want to do that.

[Pause]

**The Speaker:** If you want to do, yes, do yours then.

Minister of Finance, you can sort that one out, we will let the Premier do the resolution for the Ministers' and Members' salaries.

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

Mr. Speaker, as you will note and understand, because we are moving to clear the Order Paper today, there are a number of Ministers that are short on their regular briefs which I normally have, as it was short notice trying to get things done.

**The Speaker:** We are being accommodating.

**Hon. E. David Burt:** But we recognise we are—

**The Speaker:** We are being very accommodating today.

**Hon. E. David Burt:** We recognise that we are working in—

**The Speaker:** Even for a little humour just now.

**Hon. E. David Burt:** —exceptional circumstances right now.

## MOTION

### MINISTERS AND MEMBERS OF THE LEGISLATURE (SALARIES AND PENSIONS) ACT 1975 BE REVOKED

**Hon. E. David Burt:** So, Mr. Speaker, I move that the House do now take into consideration the following resolution:

“BE IT RESOLVED that previous resolutions of this House made pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be revoked;

“AND BE IT FURTHER RESOLVED that pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 the annual salaries payable to Members of the Legislature listed in Part A and Officers of the Legislature listed in Part B of the table below shall be as set out in column 3 of the table with effect from 1 April 2020 to 31 March 2021.”

Mr. Speaker, this report . . . sorry, not this report, this resolution is being moved and tabled. You will note that you had tabled a report from the Salaries Review Body which is under the Ministers and Members of the Legislature (Salaries and Pensions) Act. That report has been laid in this Chamber and, Mr. Speaker, I will ask, as we are doing things very special today, that you would allow me the indulgence a little bit later to move a Notice of Motion in order to place that matter on the table for debate at our next day of sitting, as we have not yet actually laid . . . to debate the report itself, because I think it would be helpful for the Body to debate that report.

Specifically, however, Mr. Speaker, I will recognise that the Body did make recommendations for salaries for 1 April 2020. However, I will be asking that that Body sit again next year to revise the salaries for 2021 or to look at the possible revision of any salaries for 2021. But, Mr. Speaker, we are laying this right now. This resolution is for a year and I ask, of course, that the House approve this particular resolution.

**The Speaker:** Does any other Member wish to speak to that?

No? We will move on.

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

Seeing none, I move that the said motion be approved.

**The Speaker:** Are there any objections to it being approved?

No objections to it being approved.

*[Motion carried: Motion to revoke Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 was approved.]*

**The Speaker:** We now move on to the next item which would be the item which was tabled this morning.

**Hon. Curtis L. Dickinson:** Mr. Speaker—

**The Speaker:** Wait, wait, wait.

**Hon. Curtis L. Dickinson:** —I have been advised by my technical—

**The Speaker:** Yes, yes.

**Hon. Curtis L. Dickinson:** —officer that His Excellency has signed—

**The Speaker:** Yes, I was just about to clarify, the Clerk had just given . . . we tabled it this morning and in accordance with section 36(3) of the Bermuda Constitution please . . .

Yes, it took statutory effect, so—

[Crosstalk]

**The Speaker:** Yes, I assumed it was going to be a debatable item. That is why I said we would debate it. So, I was just going by what was just handed me by the Clerk. But I will ask at least to cover ourselves on this one. Go ahead and do it. Yes.

You have to suspend the [Standing Orders]. Again it was . . . you got all that?

**Hon. Curtis L. Dickinson:** I am going to suspend a whole bunch of [Standing Orders] right now.

**The Speaker:** Well, not too many!

[Laughter]

**The Speaker:** Not too many. Just what is—

**Hon. Curtis L. Dickinson:** Not that kind of suspension.

**The Speaker:** All right.

[Laughter]

**Hon. Curtis L. Dickinson:** Because I am usually prepped, and I am not prepped at this point. But I will do my best.

### SUSPENSION OF STANDING ORDER 29(1)

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled the Government Loans Amendment Act 2020.

**The Speaker:** Are there any objections to that?  
No. Minister, continue.

[Motion carried: Standing Order 29(1) suspended.]

## BILL

### SECOND READING

#### GOVERNMENT LOANS AMENDMENT ACT 2020

**Hon. Curtis L. Dickinson:** In the spirit of the lateness of the hour, Mr. Speaker, I am going to be brief.

This legislation that we are bringing to increase the debt ceiling is related to the \$150 million that I discussed this morning with respect to providing liquidity lines to the Government in support of necessary liquidity in support of the COVID-19 virus. As I mentioned in my Ministerial Statement earlier this morning, these funds are a precaution, a contingency, to provide the Government with sufficient liquidity in the event that it needs to draw upon resources to pro-

vide assistance to the Bermuda economy—primarily to businesses and to employees.

I can recall that this morning, Mr. Speaker, I got broad support from my colleagues in taking this precautionary measure and I look forward to colleagues' positive comments in the debate to follow.

Thank you, sir.

**The Speaker:** Thank you, Minister.

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 23. Honourable Member, you have the floor.

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

Mr. Speaker, as the Minister has indicated, we had the opportunity to consult in respect of this intention to raise the debt ceiling last week. We certainly are holding hands with the Government in this regard because what we recognise is that we are operating under some fairly extenuating circumstances which will require us perhaps to require more funding.

We all know, Mr. Speaker, that the situations that are existing outside of our shores that we have to take all the necessary precautions in order to make sure that they stay outside of our shores may require additional funding. As a result of which the Minister has consulted with us and we have agreed with him in terms of his intention to raise the debt ceiling by an additional \$150 million to take it from \$2.750 billion up to \$2.900 billion, providing that liquidity. It is going to be done.

The Minister has indicated by way of arranging a line of credit, so we are not dealing with the situation in which there is a lump sum of money that is being made available. However, there is a facility that will be made available which we agree with the Minister it is better to have the facility and not need it than need it and not have it. So, we fully support the Government and the Minister in the raising of the debt ceiling under these most extenuating circumstances.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak to it?  
No other Member?  
Minister.

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the Bill be committed.

**The Speaker:** Yes. Mr. Deputy?

**House in Committee at 8:44 pm**

[Hon. Derrick V. Burgess, Sr., Chairman]

## COMMITTEE ON BILL

### GOVERNMENT LOANS AMENDMENT ACT 2020

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Government Loans Amendment Act 2020](#).

Minister, you have the floor.

**Hon. Curtis L. Dickinson:** Mr. Chairman, the Bill seeks to amend the Government Loans Act 1978 to increase the limit on the public debt.

**The Chairman:** Mm-hmm.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move clauses 1 through 3.

**The Chairman:** Continue.

**Hon. Curtis L. Dickinson:** Clause 1 is self-explanatory.

Clause 2 amends section 2A of the Government Loans Act 1978 to increase the limit on the public debt from \$2.75 billion to \$2.9 billion.

Clause 3 provides for commencement.

**The Chairman:** Are there any further speakers?

There appear to be none.

Minister, do you want to move that these be approved?

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that clauses 1 through 3 be approved.

**The Chairman:** It has been moved that clauses 1 through 3 be approved.

Are there any objections to that?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 through 3 passed.]*

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the preamble be approved.

**The Chairman:** It has been moved that the preamble be approved. Are there any objections to that?

There appear to be none.

Approved.

**Hon. Curtis L. Dickinson:** Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** It has been moved that the Bill be reported to the House as printed.

Any objections?

There appear to be none. The Bill will be reported.

*[Motion carried: The Government Loans Amendment Act 2020 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 8:46 pm**

*[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]*

## REPORT OF COMMITTEE

### GOVERNMENT LOANS AMENDMENT ACT 2020

**The Speaker:** Good evening, Members.

Members, are there any objections to the Government Loans Amendment Act 2020 being reported to the House as printed?

There are none. It has been reported and so moved. Accepted.

Now, I believe that brings us to the end of the items that were on the Order Paper today, so we can do our third readings for the items that need their third readings.

Minister.

### SUSPENSION OF STANDING ORDER 21

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Payroll Tax Amendment Act 2020 be now read the third time by its title only.

**The Speaker:** Any objections?

None. Continue.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### PAYROLL TAX AMENDMENT ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the Bill be now read a third by its title only and passed.

**The Speaker:** It has been read by its title only as a third reading. And it is now passed.

*[Motion carried: The Payroll Tax Amendment Act 2020 was read a third time and passed.]*

### SUSPENSION OF STANDING ORDER 21

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Customs Tariff Amendment Act 2020 be now read the third time by its title only.

**The Speaker:** Any objections?

No objections.

Continue on, Minister.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### CUSTOMS TARIFF AMENDMENT ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the Bill be now read a third by its title only and passed.

**The Speaker:** It has been read by its title a third time and passed.

*[Motion carried: The Customs Tariff Amendment Act 2020 was read a third time and passed.]*

#### SUSPENSION OF STANDING ORDER 21

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Bermuda Monetary Authority Amendment Act 2020 be now read a third time by its title only.

**The Speaker:** Any objections?  
No objections. Continue.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### BERMUDA MONETARY AUTHORITY AMENDMENT ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the Bill be now read a third by its title only and passed.

**The Speaker:** It has been read by a third time and passed.

*[Motion carried: The Bermuda Monetary Authority Amendment Act 2020 was read a third time and passed.]*

#### SUSPENSION OF STANDING ORDER 21

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Government Loans Amendment Act 2020 be now read the third time by its title only.

**The Speaker:** Are there any objections?

No objections. It has been read a third time and passed.

*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### GOVERNMENT LOANS AMENDMENT ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the Bill be now read a third by its title only and passed.

**The Speaker:** Yes.

*[Motion carried: The Government Loans Amendment Act 2020 was read a third time and passed.]*

**The Speaker:** Okay. That brings us to the end of the day . . . oh?

*[Crosstalk]*

**The Speaker:** Yes, yes.

**Hon. Wayne Caines:** Mr. Speaker, I move that the Bill entitled the Bermuda Immigration and Protection Amendment Act 2020 be read now for a second *[sic]* time.

**The Speaker:** Third time. Third time . . . by its title only.

**Hon. Wayne Caines:** Be read for a third time.

**The Speaker:** Yes. Are there any objections to that?  
No objections.

*[Crosstalk]*

#### SUSPENSION OF STANDING ORDER 21

**Hon. Wayne Caines:** I now move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Bermuda Immigration and Protection Amendment Act 2020 be read now for the third time by its title only.

**The Speaker:** Yes?



*[Motion carried: Standing Order 21 suspended.]*

## BILL

### THIRD READING

#### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT ACT 2020

**Hon. Wayne Caines:** I move that the Bill be now read for the third by its title only and passed.

**The Speaker:** Yes, it has been read the third time and passed.

*[Motion carried: The Bermuda Immigration and Protection Amendment Act 2020 was read a third time and passed.]*

*[Crosstalk]*

**The Speaker:** Yes, that was done already.

*[Crosstalk]*

**The Speaker:** Yes, you should have. You should have done it earlier, but—

**Hon. Curtis L. Dickinson:** Mr. Speaker, just for the sake of completeness and just to be sure that I am not losing my mind—

**The Speaker:** You just do not want to have to come back again. I understand.

**Hon. Curtis L. Dickinson:** Absolutely not. And I do not want to bring you back. That is what is most important.

**The Speaker:** You are on good books now.

*[Crosstalk and laughter]*

## MESSAGE TO THE SENATE

### APPROPRIATION ACT 2020

**Hon. Curtis L. Dickinson:** Mr. Speaker, I move that the following message be sent to the Senate.

“To the Honourable President and Members of the Senate:

“The House of Assembly has the honour to forward herewith the undenoted Bill for the concurrence of your House, the Appropriation Act 2020. Copies of the Estimates of Revenue and Expenditure for 2020/21 are also forwarded for the information of your House.”

**The Speaker:** Any objections to that?

No objections. It has been moved and passed.

I believe that brings us to a conclusion.

Minister of Finance, you have a lot of clipboards in front of you. They are all cleared now?

**Hon. Curtis L. Dickinson:** All cleared.

**The Speaker:** Good.  
Premier?

## ADJOURNMENT

**Hon. E. David Burt:** Thank you, Mr. Speaker, I am advised that I have some Members who wish to speak on the motion to adjourn. So, I just would like to make sure I give you appropriate warning, Mr. Speaker.

*[Laughter]*

**Hon. E. David Burt:** With that, Mr. Speaker—

*[Crosstalk and laughter]*

**An Hon. Member:** Do not be striking that gavel too early!

*[Laughter]*

**Hon. E. David Burt:** Mr. Speaker, with that, I move this Honourable—

**The Speaker:** Can we limit them all to five minutes?

*[Laughter]*

**Hon. E. David Burt:** Mr. Speaker, I move that this Honourable House do now adjourn until Friday, May the 8<sup>th</sup>.

**The Speaker:** Does anybody object to that? No objections to that?

Mr. Famous, are you on your feet to object to that?

**Mr. Christopher Famous:** No, sir.

**The Speaker:** Okay.  
Would you like to speak to it then?

**Mr. Christopher Famous:** Very briefly!

**The Speaker:** Oh, we will hold you to the brief part of it!

**COVID-19—UNITEDLY CONFRONTING OUR  
COMMON ENEMY**

**Mr. Christopher Famous:** Mr. Speaker, colleagues, first of all, I want to apologise for missing something during the Congratulation and/or Obituary speeches, Mr. Speaker. I want to wish congratulations to Gold House for winning sports again.

*[Inaudible interjections]*

**Mr. Christopher Famous:** They won.

*[Laughter]*

**Mr. Christopher Famous:** So, Mr. Speaker, you are wearing gold and the Honourable Pamplin is wearing gold as well.

**The Speaker:** No, no, no. I am Green House all the way through.

**Hon. Zane J. S. De Silva:** Point of order!

*[Laughter]*

**The Speaker:** I was always Green House at Berkeley.

*[Laughter]*

**Mr. Christopher Famous:** Mr. Speaker, I am going to do something different tonight. No, I am not going to sing.

Mr. Speaker, two weeks ago we had a crisis called Tony Brannon. And many from both sides of the aisle spoke up against his remarks. In particular, one MP from constituency 8 said something that stood out to me.

*[Inaudible interjections]*

**Mr. Christopher Famous:** I did warn you. I did warn you.

*[Inaudible interjections]*

**Mr. Christopher Famous:** MP Cole Simons spoke about the common room, the room on the 4<sup>th</sup> floor in which we all sit, we all eat, we all crack jokes, we greet each other and we ask how our families are doing. We sit in that room, Brother Ben, Ms. Gordon-Pamplin, Mr. Moniz, and so many others.

**The Speaker:** No one on this side sits in there?

*[Laughter]*

**Mr. Christopher Famous:** I am getting to it. I am getting to it.

**The Speaker:** Okay, I was just getting clarity.

**Mr. Christopher Famous:** If a stranger walked up in there, they would be like *I thought you guys were enemies*. And really, we are not. And MP Cole Simons said *You know, we need to bring some of that behaviour down here onto the 3<sup>rd</sup> floor*. I was listening. It really stood out to me.

Today, we face another crisis called COVID-19. The world has changed in the last two weeks. We have fear, we have paranoia, we have fake news. I read just now that Trinidad and Tobago have closed their borders to international travellers. The Cayman Islands, who some lament, have closed their borders to international travellers. Our sister islands are going to suffer and we do not know when our turn is going to come.

So, here we are with a common enemy and we sit in this common room as one people—not red, not green, not blue.

**An Hon. Member:** And not gold.

*[Laughter]*

**Mr. Christopher Famous:** Well, that spirit—

*[Crosstalk and laughter]*

**Mr. Christopher Famous:** So, today, Mr. Speaker, the Government of Bermuda with (What is the word I want to use here?) the full support of the Opposition enacted some things.

Minister Foggo worked towards implementing unemployment insurance to support hospitality workers with MP Jason Hayward's help. Minister De Silva, as he rightly said, spent a lot of time at PTB ensuring the enhanced cleanliness of public transportation.

*[Inaudible interjections]*

**Mr. Christopher Famous:** The Deputy Premier, Walter Roban, met with utility companies to ensure that workers who are finding themselves in a financial situation do not get their lights or telephone turned off.

And our Minister of Finance worked to find the money to pay for all of this.

So, what am I saying, Mr. Speaker? Very briefly, I want to thank MP Cole Simons for that lesson because, you know, we have differences of opinion, philosophical at times. But most of the time we are on good terms, collectively. Yesterday, I was at church and MP Dunkley was there pouring out his heart over Brother Glenn. You know, that is how we do it as a people.

So, here it is, Mr. Speaker. This is probably the last time we are going to be together as one for a couple of months, depending on how things go. It could be extended. So, what I would encourage all my

fellow colleagues on both sides of the aisle is to reach out to your seniors. Do not visit them! Do not visit them—call them. See if they need anything. See if they have any concerns. I heard that now Lindo's and Harrington Hundreds are now doing deliveries to people who are self-isolating.

[Crosstalk]

**Mr. Christopher Famous:** So I encourage us all to look out for one another in these perilous times.

Mr. Speaker, I never thought I would say this, but I am going to miss seeing these guys every day, every other day—

**An Hon. Member:** Aww.

[Laughter]

**Another Hon. Member:** Oh, Lord.

**Mr. Christopher Famous:** You know, and to the people of Bermuda, most importantly—

**The Speaker:** We can arrange a couple of date nights for you to get together.

[Laughter]

**The Speaker:** There you go.

**Mr. Christopher Famous:** Speed dating?

[Laughter]

**The Speaker:** Keep your social distance, there. Yes.

**Mr. Christopher Famous:** Most importantly, Mr. Speaker, to the people of Bermuda, you know, stop the paranoia that is online. The Government and the Opposition have your best interests at heart.

**The Speaker:** Mm-hmm.

**Mr. Christopher Famous:** Right? Do not say *Well, we heard, or I heard this and that*, it does not help. This Government and the Opposition are working hard in multi-ways to ensure that we see ourselves through this crisis. I just wish you all well and take care of yourselves.

Thank you, Mr. Speaker.

[Desk thumping]

**The Speaker:** Thank you, MP Famous.

The next Member who looks like he would like to contribute this evening is the Minister of National Security.

Minister.

## COVID-19—UNITEDLY CONFRONTING OUR COMMON ENEMY

**Hon. Wayne Caines:** Mr. Speaker, I would like continue the line and length that was established by my colleague, MP Famous.

Today I had the opportunity to meet with over 110 members of the interfaith community. They came from all different walks of faith in Bermuda and we shared with them the Government's plan around—

[Crosstalk]

**Hon. Wayne Caines:** We shared with them the Government's plan as to dealing with the crisis. And what was clear from the room was that I felt a sense that we often feel when we have hurricanes, Mr. Speaker. One thing that as a leader I take great solace in is that when there is a time of difficulty in Bermuda that is a time where you see the best—

**The Speaker:** Best of Bermuda.

**Hon. Wayne Caines:** —of the spirit of the people of this country.

**The Speaker:** Yes.

**Hon. Wayne Caines:** That is when you see the character. That is where we put aside our differences and batten down the proverbial hatches; we bury the axes and we come together as one.

Well, this is such a time for our country where we are at the proverbial crossroads where this is a threat to our very way of existence. And this is not coming by a political incursion or a force that is trying to aggress us like a military force. This is coming in the form of a virus.

We have the opportunity as a country to face it head on. We have people that are vulnerable in our country. We have people that will be displaced. We have people that will be out of work for a period of time. This is a time for us to reach together as a country and coagulate and come together as one, as a people to work through what is only going to be a difficult set of circumstances. We know that this will not be an easy ride. But I can tell you that together, as a country, we can weather any storm.

This afternoon the clergy were asking: Should they suspend their church programmes? Should they stop their feeding programmes? Should they stop feeding the homeless and should they stop giving out the clothes in the afternoon? Well, why would we do that? That is like having a police officer say, in a difficult set of circumstances, that he is not coming to your house because it is hot outside. Or you are going to the hospital and they say it is a shooting, it is really gory, *We are not going to deal with you because it is a gory wound.*

We believe that what things look like have to change. So we shared with them that they might have to put the food in disposable containers and do it outside the building, but we have to continue to feed our most vulnerable people. This is when our society needs to step up the efforts to help each other more. There are new circumstances, there are new ways that we must do it, but we must help each other.

As MP Famous said, we must look out for our seniors, we must look out for our most vulnerable people. I think something else that MP Famous said that must be echoed is the vineyard for misinformation is social media. We have to be careful that when we get the WhatsApp forward or when we go online and someone is saying *Three new cases in Bermuda, can you confirm that the ports have been shut down? Or: The ships are not coming into Bermuda anymore.* These are all WhatsApp messages and forwards that we all have received over the last 24 hours.

All it does is feed into the hysteria. It ratchets up anxiety in the community. And if each one of us has a message that we can share, it is just simply *Don't forward it on.* We have credible sources of information and people have to go to the Tree Frog app and look at the information that the Government has provided.

I can tell you as our leader has spoken to his Cabinet over the weekend and on Sunday and in our briefings that we have had, we have had to go deep as a leadership team, and this is the reason why the people have voted us in. We are the leaders of this country, and we have a debt of gratitude to repay to the people of Bermuda through service. It is our opportunity when they need us the most to go back in. Every one of the people that we know is probably at home now enjoying some recreation as we continue to work.

Mr. Speaker, this is a time as a people, again, that we must come together. I believe that we can manage this. I believe that with the proper guidance, adhering to the guidance that we have given around social distancing, when the appropriate time comes, taking on the guidance that will be given to you and to the country by the EMO, I think that we can make it through this. And I think we need to share with our community that the Government has a credible plan, and that we are a resilient people. And indeed, Mr. Speaker, we will make it through this together. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister.

Does any other Member wish to speak?

One of the two of you—you keep going up and down.

**Mr. Rolfe Commissiong:** Mr. Speaker, I will take up that mantle.

**The Speaker:** Mr. Commissiong.

[Inaudible interjections]

**An Hon. Member:** Go get 'em.

## COVID-19—UNITEDLY CONFRONTING OUR COMMON ENEMY

**Mr. Rolfe Commissiong:** Mr. Speaker, it is in times such as this that leadership is tested and forged. It is easy to lead during times that are normal, but it really calls upon leadership to address extraordinary times such as these, which I believe we are now facing as a country.

I am only going to speak here very briefly to say that we must continue to act in a responsible fashion using the best evidence available to make the right decisions, and that must come from the very top from the leader of the country, our Premier, right on down to Mr. and Mrs. Bermuda in our neighbourhoods, our communities and our households. We all know that gossip and rumour—the spreading of it—has been a Bermudian national sport. Let us not allow those habits to cause real harm in our community.

Only seven hours ago I was at a meeting in St. George's. I had to come up to town and I was in one of our banks and I met two ladies who I know . . . I overheard them (one of them is one of my constituents) swearing down (as we say in Bermuda) that we had already experienced our first confirmed case. They had me believing it until I was able to come and talk to the National Security Minister, and he assured me that was not the case in Bermuda.

Rumour and gossip can cause real harm, and so, let us be responsible in that regard. I will say this also: Even if Bermuda escapes having any major impact in terms of the virus, we will have significant challenges in terms of our economy. There are some globally who say that the impact of this virus will lead to a decline in economic growth to levels that may even surpass that which we saw in 2008; that is still to be determined. But there is no doubt that even now, we know we will experience a major economic impact in this country.

My concern is that the most vulnerable amongst us . . . we know who the most vulnerable will be in terms of the virus—our seniors, those with pre-existing conditions. But I am talking about in terms of the economic tsunami which is likely to hit us. Let us look out for those who are most vulnerable here—those on low incomes, those who are marginalised socioeconomically, those who are depending on charity even now in the best of times in Bermuda to survive.

I know a family in my neighbourhood who have six children. They are looking for a place to live right now. Right now. And I am hoping that I can get the assistance they are going to need through my efforts in talking to one of the Ministers, and we all know who he is. But that is the challenge we are going to

have, a type of challenge that we may not have faced in a very, very, very long time.

I also want to say, consistent with this, let us protect the most vulnerable, especially them and the children. Let us also be vigorous in ensuring that our merchants, those people who provide goods and services so that they are not going to use an opportunity (because we are all human, it is going to happen, everywhere this is happening) . . . use the opportunity to indulge in price gouging and profiteering, whatever you want to call it. Let us also keep the public good in view in that regard.

Mr. Speaker, I am going to just indulge in some slight partisanship here and say that I feel that at this time we have good leadership in both the positions of Premier and the Finance Minister and a broader team to ensure that we can begin to weather this crisis effectively. And like my colleague said, the spirit of bipartisanship that does exist between both sides of the aisle is going to be doubly needed for us to see us through and this country to again see a better day.

I am proud to serve with all of these Members, despite our occasional differences, and I wish them and their families all the best, and that includes yours too, Mr. Speaker. Thank you so much for this time.

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

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 23. Honourable Member, you have the floor. Yes.

### **COVID-19—UNITEDLY CONFRONTING OUR COMMON ENEMY**

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

Mr. Speaker, my words this evening are going to be hopefully soothing, but hopefully encouraging.

As a people, Mr. Speaker, it is unusual for us to isolate ourselves. Isolation is not natural for us. We are a social people. So, in order to maintain our social distancing, in order to keep ourselves as a community as healthy as possible, we are going to do things that perhaps are unnatural for us, which means for the most part staying at home to every extent that we can, if we have to work from home, to be able to do things that are just not normal.

If you are accustomed to getting up in the morning and having your normal day and getting about, leaving the home, those things may be interrupted, that pattern may be interrupted.

So, what I would like to do, Mr. Speaker, is just to encourage us as individuals, and for our families, to use our abilities and our mental fortitude to be able to reach out to one another, and utilise the electronic media to the extent that we can. We can use

FaceTime, we can use telephones. It is okay to be alone, but we do not need to be lonely in the process.

So, I would like to ensure, Mr. Speaker, that we look out for one another. Pick up the phone, call someone. Make sure that someone has a meal if they need it. But you don't necessarily have to take it to them. There are ways for us to be able to interact, look out for, care for and embrace one another through these very trying times, Mr. Speaker. And I believe that we can come through this as successfully as we possibly can.

I would like to ensure that we maintain a healthy diet and a balance while we are at home. Make sure . . . one of the easiest things to do, Mr. Speaker, is to create a space for ourselves, so that our routine, albeit interrupted, can have some level of normalcy. So, set a place in your home where you can actually go and do your . . . you know, in the morning make that [space] your desk. Make that [space] your workspace if you are required to work from home. And just do things that give you enough of a routine that it helps to maintain your mental stability. Because some of us will probably go absolutely stir crazy if we are unaccustomed to being on our own, if it is more preferable for us to be in groups of people. And that may be taken away from us under these circumstances.

So, I simply wanted to encourage people, Mr. Speaker, to be alone but not lonely, and to manage that process as emotionally satisfactorily as we possibly can. And know that if we reach out to one another and support one another we can find that we can make it through as a people. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

Mr. Swan, it looks like you have the floor to yourself this time. Go right ahead.

### **COVID-19—UNITEDLY CONFRONTING OUR COMMON ENEMY**

**Mr. Hubert (Kim) E. Swan:** Thank you, Mr. Speaker.

Mr. Speaker, I just want to take this occasion to wish each and every one of the Members here in this Honourable House and those listening this evening, and those not listening, a Happy Easter. This is the season of Lent that we are in, a very important season in the biblical calendar. And with all the challenges that we face globally, let us not lose sight of this important period.

Mr. Speaker, in [First] Corinthians 13:13 there is a scripture that says in the New Living Translation, "Three things will last forever: faith, hope and love; but the greatest of these is love," and let us not lose sight of that. Every one of us in this world has something to love. We might not appreciate it, but we do. And let us not lose sight of the importance of that. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

I recognise the leader of the Opposition. Honourable Member, you have the floor.

### **COVID-19—UNITEDLY CONFRONTING OUR COMMON ENEMY**

**Hon. L. Craig Cannonier:** Thank you, Mr. Speaker and good evening to Bermuda and my fellow colleagues. First let me say thank you to my colleagues and the Government, the Ministers for the Budget Debate that we have just gone through. I want to also extend my thanks to the Finance Minister and the Premier for the weekend of conversations that we have had.

We have not seen in our history for some time, maybe even close to a century now, such a threat like we are facing right now in the coronavirus. This pandemic has shaken the very foundations of countries, of families, of institutions, and there are still yet many things that we do not know. But what I *do* know is that as the Honourable Member who just sat down said, I do have faith that we will pull through this.

**The Speaker:** Mm-hmm.

**Hon. L. Craig Cannonier:** I hope that Bermudians will pay attention, and we as parliamentarians must lead by example, and pay attention because we are moved by a love for one another and for what we represent as an Island which has influenced the world by what it is that we do, and the nature of business that we carry on.

There has not been a threat for some time, not even 9/11 that has affected not only the health of us as a people, but also the health of our economy. It almost feels as if there is a resetting of the dial. And today I emphasise the fact that when some of the institutions who have financially benefited from Bermuda found themselves in a position of need, found themselves in a position of want, found themselves in a position of [needing] assistance, that it was the people of Bermuda who decided they would step up and give that assistance to institutions that in many ways, sometimes, we may not always feel fuzzy toward.

It is now time in our history for that beneficiary effect to be reciprocal. It is now time for those institutions to pay attention to the needs of the people and to recognise that this is a relationship that has existed for some time, and it is most needed that they step up and do their part.

As I listened to the Premier this weekend and some of the conversations that we did have, I recognised that the Ministers are under a bit of stress in trying to meet the demands of the people and to find solutions to even some of the unknown that is about

to happen. What I am grateful for is that we have extended ourselves to this Government, they have responded, and I have responded likewise to work together with them to resolve the challenges that face us.

Now, this virus is going to require some habit changing, and it has been difficult, because even as I look around the room with the 36 parliamentarians that are here, with the guidelines that have been given, it has been difficult not to touch your face. It has been difficult to remind ourselves to use the antibacterial soap which is outside and wipe our hands as we go in and out of the doors. In fact, it has been difficult to cover our mouths sometimes, even when we are coughing. But we *must insist* that our people at this time, if there *ever* was a time for them to look out for themselves and the benefit of their health, they must look out for themselves. By looking out for themselves, they will likewise be looking out for their fellow brothers and sisters. We are in this together.

I have also extended our assistance to the Premier in any committees that he feels necessary that we may need to sit on to assist with the relationship with the institutions that are out there. We will do so. I have already given my word to speak to the Finance Minister that we would speak to the banks about how they can continue to assist. And it is no secret that I have spoken out about what I saw today, as far as their first initiative to assist Bermuda, that it in no way takes into consideration what we are about to face.

Now Bermuda, let me say this: we love a good story. But the social media challenges that we have seen, quite frankly, have been deplorable.

**The Speaker:** Mm-hmm.

**Hon. L. Craig Cannonier:** In fact, as even amongst our group, you know, we saw so many things going back and forth, I just simply replied, *We don't know until we know*.

**The Speaker:** Yes.

**Hon. L. Craig Cannonier:** So, we need to stop amongst ourselves passing on this stuff. We need to address it. And Bermuda, I am confident that this Government has taken heed. I have also expressed my concern in areas that I felt that we need to push even further, and we will continue to do that in the spirit of working together. I know it is difficult sometimes when some of us speak because we are politicians. But I am speaking out of concern, and I believe that the Premier when we spoke this weekend took that with that spirit, as I said, there are some things I believe that we could move on in the vein of looking to assist and to help, and I am grateful, extremely grateful that we have been able to proceed in this manner.

But I cannot emphasise enough that as we seek to quarantine, self-quarantine, we need to probably explain a little more about what we should be expecting from our people when this happens. But we must be honest, frank, and fair to one another that when we know of these situations, as I have let the Minister of Immigration know when I was aware of situations with people coming into the Island who had travelled from other places who should have been quarantined, I have let him know. And we must continue in this vein, because we must protect our most precious resource, and that is our people.

And so, with that in mind, I am grateful for the end of the session. I am grateful that we are ending off in the spirit of moving forward together to resolve the threat to our health and to our economy. I believe that our institutions will respond likewise if we stick together and let them know we will accept nothing less than them pulling their weight to assist.

The first thing that people is say, *Well, Government, what are you going to do for us?* The first thing they say. *What can you do for us?* And I am calling out to say we must all be saying likewise, *What can we do to help?*

So, I thank you, Mr. Speaker. I thank the Premier and his team as we walk through this here. We are there to assist, we are there to help, Premier, in whatever way you decide, but we will continue to give our assistance to you likewise. Thank you. Thank you, Bermuda.

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

*[Desk thumping]*

**The Speaker:** Mr. Premier?

#### **COVID-19—UNITEDLY CONFRONTING OUR COMMON ENEMY**

**Hon. E. David Burt:** Good evening, Mr. Speaker.

**The Speaker:** Good evening.

**Hon. E. David Burt:** Thank you. At the beginning of my comments, Mr. Speaker, I want to thank you for your advice as an elder statesman and also your flexibility over the past few weeks. It will come as no surprise that we have clashed on occasion.

**The Speaker:** Just occasionally.

**Hon. E. David Burt:** But the fact of the matter is—

**The Speaker:** We can still work together, right? Good.

**Hon. E. David Burt:** Absolutely.

Your wise counsel has certainly assisted me going through some of the items which we are cur-

rently experiencing. And I want to thank yourself and your staff here at the House for being so flexible as we scrambled to be able to put ourselves in a position to close our legislative session today.

Mr. Speaker, I also want to thank my ministerial colleagues and all the public officers who have been working around the clock to make sure that we can make the necessary changes to laws, make sure that we can issue the best regulations which are required and making sure that we could get to the place where we are right now, Mr. Speaker, of closing up the session so that all avenues and resources of the government can be focused on dealing with this threat.

I also want to thank the Opposition and also Members of my own caucus for their understanding, as I know a number of persons were looking forward to Friday as the date of the Immigration Protection Act and Members may not have been prepared today as they may have wanted to be. But these situations are moving very quickly, Mr. Speaker. And the last thing we wanted to be was in a position where we may have had to suspend operations in this Honourable Chamber and not be able to take care of the people's work, Mr. Speaker.

And Mr. Speaker, certainly, over the next few days, weeks and months we are going to need the help of everyone. And we will certainly need people to step up.

Mr. Speaker, the Opposition Leader and I have had a troubled history. And it would not be any shock and surprise to anyone, and that is what will happen when you have been at the front line of politics in this country and have been political adversaries. And it would not be untrue to say that we have spoken more in the past four days than we probably have in the past four years. But that is what crisis brings, Mr. Speaker. And it is something for me, as someone who has earned the reputation (and sometimes wear proudly) as arrogant, sometimes the reputation of being bull-headed. It is a humbling experience when you are faced with the weight of the country in a position of leadership and having to make sure that you take counsel from all sides to make sure you can move ahead, Mr. Speaker.

But that is what crisis brings, and so I want to thank the Opposition Leader for his hand of friendship as we approach this common time, because it requires unity as a country. And in closing, I would like to say on this, Mr. Speaker, that I would agree with the Opposition Leader in his view that our banks need to do more.

**The Speaker:** Mm-hmm.

**Hon. E. David Burt:** Their cuts today were just the start of where they need to be. They need to be far more aggressive to make sure that no one can actual-

ly believe that they are attempting to profit off this particular crisis.

*[Desk thumping]*

**Hon. E. David Burt:** And as I said in my national address, Mr. Speaker, if they do not do it voluntarily, then we will use the might of the law in order to compel them to do it. And if that means we have to do it when we come back in May, so be it, Mr. Speaker. But we are going to be in unison on that one.

*[Desk thumping]*

**Hon. E. David Burt:** Mr. Speaker, there were some comments earlier today about the fact that we are in here meeting and there were comments about an EMO meeting that took place. I want to let Members know that though we will not be *here*, and that the Government by and large will be moving to a virtual environment for communication in preparation for what may be a worst-case scenario, I plan to call on all Honourable Members in this Chamber to assist as we move forward.

Over the weekend the Government finished the setup of the government's Webex Team's platform which will allow collaboration between all members of the Government through their mobile phones, their desktops and/or their laptops. And I will be making sure that all Honourable Members in this House are added to the Webex Team's platforms, so that they can be updated, because I think it is important to keep the lines of communication [open], and I will rely on Honourable Members in this Chamber on both sides to make sure that they can share the particular information which they get and be kept up to date with real-time information, which I think is particularly important.

There were some comments about the EMO meeting which took place today. It will most likely be our last in-person meeting. Going forward a lot of the meetings in that particular avenue will be virtual. In addition, Mr. Speaker, as the Minister of Education is not here I had an opportunity to participate in a conference call earlier with the Minister of Education and all of the private school principals to discuss the issues of school closings. It is a delicate issue, Mr. Speaker. It is an issue for each particular school to consider for themselves.

We have seen notices of some schools that made the abrupt decision to close last evening, which has had a knock-on effect on other private schools. I think that they are doing it out of an abundance of caution. And that is fine. I am not going to in any way, shape, or form, criticise them for the decision which they made. Everyone has to take their own measures. But I want to make sure that I remind the public, as I did on numerous instances, that we have a number of

respiratory illnesses which are going around right now, and it is the height of flu season.

**The Speaker:** Mm-hmm.

**Hon. E. David Burt:** Persons who present at the hospital or in the community with symptoms of respiratory distress who have a relevant travel history are screened for all respiratory illnesses and COVID-19. What happens and what we are seeing is, most of the results which are coming back negative are also positive for influenza. So we have to make sure that we are careful on these things. But I do not begrudge persons for moving to a mobile environment, but what I have said in my national address, Mr. Speaker, is that we are adopting the research-based approach.

There is research that says if you close schools early before you have sustained community transmission you can actually not necessarily have the impact which you want to have on the system and you can sometimes introduce additional risks if you are closing schools and not all systems, because as the seniors or the most vulnerable persons in the community, oftentimes if persons are working, the seniors are taking care of the kids that should be in school. So, there are lots of different variables that are factoring into it.

**The Speaker:** Mm-hmm.

**Hon. E. David Burt:** So, I want to make sure that we are clear in that particular matter, Mr. Speaker.

And I think that we heard . . . so from that school perspective I think that it is particularly important. But recognising, Mr. Speaker, my daughter is in the public school system. The Minister of Education's daughter is in the public school system. And we are not in any way, shape or form going to put the health of our children and families in jeopardy at all, and we are making sure that we make these decisions based upon science, because that is the most important thing to do.

And it is difficult, Mr. Speaker. There are any number of persons who are bombarding from one side or the other, *Oh, you need to do this. Oh, you need to do that. Oh, you need to do this. Oh, you need to do that.* The fact is, Mr. Speaker, that if we shut down the entire country today and say that we shut down the entire country for three weeks, COVID-19 is not going away.

**The Speaker:** Mm-hmm.

**Hon. E. David Burt:** And then if we open back up the borders, we will have the same problem in the future. That is the challenge. So this is a delicate balance of what we have to do to make sure that if there are cases in Bermuda we make sure they are managed appropriately, we limit the spread and flatten the curve



as so many persons have said, to ensure that our health care system is not overrun, and that is the most important thing to do, Mr. Speaker.

So, it is important that everyone understands the strategy and everyone is in tune with what it is that the Government is doing. Because we cannot shut down the country for a year; it is not possible. There will be serious consequences. So, we have to make sure we manage this based upon science. We have seen countries like Singapore, like Taiwan, like Hong Kong who have managed to be very effective. Singapore did not close schools. Hong Kong did close schools. There are lots of different avenues in between. But we are making sure that we are approaching this from a science-based approach.

Let me be clear, however, Mr. Speaker, the minute that there is any type of sustained community transmission, if we get to that point in Bermuda we will immediately move to the point where schools and government offices and everything go to the place of being restricted, because science and all the rest say that is the best way to minimise community spread. And that is what we will do if we get to that point. But we do not want to close schools and not close government. The minute that we arrive at that point, we will not hesitate to make that decision, Mr. Speaker, and I want to be very clear on that.

I have said earlier in my comments, Mr. Speaker, that I am going to be asking all Honourable Members to be a part of this effort. All Honourable Members need to be a part of communicating to their constituents. All Honourable Members need to make sure they are enforcing and making sure that their friends are living up to their expectations.

I have to give congratulations as the Honourable Minister of National Security asked me to give to the newest silk of Bermuda, Mr. Delroy Duncan, who is in London accepting his Queen's Certificate, and now he is going to be Bermuda's newest Queen's Counsel. Unfortunately, this means when he returns to Bermuda, he will be under a 14-day home quarantine—mandatory. And I sincerely hope that our newest silk will certainly adhere to the law as that will be mandatory as of tomorrow.

**The Speaker:** Mm-hmm.

*[Inaudible interjection]*

**Hon. E. David Burt:** Sorry? Oh, I am sure he will be.

But with that much being said, Mr. Speaker, an example of working quickly and me calling on persons is an example which happened earlier today.

Today when they came in here in the morning and we did our Ministerial statements, you would have seen that we dispatched a number of Ministers to tend to a number of particular items. The Minister of Finance went back to deal with items dealing with the bank. I dispatched the Deputy Premier to deal with

issues of making sure that our food supply matters were being handled, in addition, to speaking with the various utilities to make sure that they are not going to be disconnecting persons in the case that we get into distress.

The Minister of National Security, of course, had to go chair the new EMO COVID-19 which has been set up which I will get to a little bit later, Mr. Speaker. The Minister of Health, of course. The Minister of Tourism and Transport went to make sure to check on various matters dealing with the cleaning of public transportation and making sure that members of staff were satisfied with the items which we had there. The Minister responsible for communications was dispatched for getting out a number of communications, in addition to the National Address.

But earlier this morning I also assigned the Minister of Labour, Community Affairs and Sports and MP Jason Hayward to a particular task to make sure that the benefits which were announced by the Minister of Finance earlier today in his Ministerial Statement about money that will be transferred to the Unemployment Insurance Fund in order to assist our hospitality workers, some of whom have already started being laid off today—

**The Speaker:** Mm-hmm. Mm-hmm. Yes.

**Hon. E. David Burt:** —because we have made the decision to effectively close our borders to tourists. No tourist wants to come to Bermuda and stay in their hotel room and not leave. And that is the impact of what mandatory quarantine orders are. And we understand and recognise the impact that has. But we made it in the best [interests] of public safety for the Island. The fact is, that this [decision] has its repercussions.

But I am proud to say that today . . . tomorrow the Cabinet will be considering a policy that in one day was drafted up. Tomorrow persons who have been displaced will be able to visit the Department of Workforce Development. We have forms which have been completed in order to apply for unemployment benefits. These items will be placed online. The Cabinet will approve an entire policy, and this was done today in collaboration between the Minister of Labour, Community Affairs and Sports, and the Honourable Member who also is the Chairman of the National Workforce Development Board.

So, I want to thank the Honourable Members for working so hard. And what this is an example of is that we are all going to have to work together over these next few days to make sure that we can act quickly and deliver, and that is what the Government has been doing, working very quickly on a number of particular issues, Mr. Speaker.

I do want to touch on a few more matters. One, we have heard a number of comments regarding the unhelpful rumours which are being spread on so-

cial media and others, and I am going to ask Members . . . if there is a case of COVID-19 detected in Bermuda, the Government of Bermuda is not going to hesitate to inform persons in the public, because that means that we are going to now be moving to a new step.

Now, there are two different things on that, Mr. Speaker. There are imported cases where someone who has travelled came to the Island, was screened by the port nurse, was put into immediate quarantine and at that point in time maybe tested later and has symptoms. That is one thing. That is an imported case.

There are other cases which may present to the community, and if we get to the place where someone has a case but does not have a relevant travel history or cannot be traced to someone with a relevant travel history, that would mean that we have local transmission. That, in and of itself, would set an entirely different approach to the steps which the Government would take.

But what I want to make sure that the listening audience and Honourable Members know is that we are not going to hesitate to inform anyone, and we are making sure that we keep that flow of information up as quickly as we can. Some of our testing kits, Mr. Speaker, are due in tomorrow. And it is my very expectation that by Thursday or Friday we will have on Island testing here ready to go, so that we can make sure that any cases that were sent away this week which we do not have responses back will be able to be tested, and anything which we are waiting for and will be able to do a limited number of new cases.

Now, Mr. Speaker, that does not mean that anyone who wants to get a test can go and get a test.

[Laughter]

**The Speaker:** Everybody racing in. No.

**Hon. E. David Burt:** It does not mean that we are going to have drive through testing facilities that are going to be set up. There are limited tests that are available globally.

The manufacturers around the world are working around the clock to get more and more capacity. Our initial lot was 1,000, and there were only 19 that were shipped out of that initial lot, and more will come. But the fact is, 19 is more than zero and that is a step in the progress which we are making.

So, we have gone through the new EMO, the COVID-19 EMO which is chaired by the Minister of National Security and the Vice Chair is the Minister of Health, staffed by the Disaster Reduction and Risk Mitigation team. Their job, Mr. Speaker, is to identify and triage all of this. So, the primary persons who will be getting tested are persons in essential services and persons who are presenting with [symptoms]. But

as more and more tests make themselves available, then we will be able to roll out a more—

**The Speaker:** A wider scope.

**Hon. E. David Burt:** —larger testing system. And we will spare no expense, because the place where we *want* to get to is [like] other countries [where they] have the ability for persons to be tested freely and [tests are] readily available. And we are going to be working with our insurance companies and others to make sure those types of things can be delivered inside of our health care construct.

Mr. Speaker, to close, I will say this: The next few days and weeks have the possibility of being the most challenging certainly in my lifetime, possibly in many in the lifetime of many persons in this room, and certainly in the history of our country, and as Honourable Members have echoed in their comments today, we will need to come together. I ask that all Bermudians unify. I ask that all Bermudians recognise that the responsibility is on all of us to prevent the spread of this disease through our community.

If you violate self-quarantine orders, if you violate items which are necessary to keep people safe, our senior citizens will be put at risk and they may die before their time. It is a very unfortunate thing to say, Mr. Speaker, but we have to be real.

**The Speaker:** Mm-hmm.

**Hon. E. David Burt:** So, when someone decides that they are not going to follow a quarantine order, they are putting your friends and family at risk.

**The Speaker:** At risk.

**Hon. E. David Burt:** You may think it is fun that your friend came back and you may want to hang out with him and all the rest—do not do it. You are putting your granny at risk. And we must make sure that we are doing our part, and all of us must be doing our part, Mr. Speaker.

So, in closing, I want to thank all the health workers who are working on the front line, the public officers who at this hour are churning out more and more information to make sure that our public is ready, our persons who are working at our borders of entry who are taking the risks to make sure that we can keep our country safe. And, Mr. Speaker, I want to give special thanks to all of them.

We are going to need to work together, Mr. Speaker, but I have no doubt with the unity of which this country has demonstrated over the past five days, and hopefully the unity which we will have in the next couple of weeks, that we will make it through this period of challenge successfully and will continue to be a beacon to the world on how we manage risk.

We are the world's risk capital, and I expect that we will show the world how we best manage risk. So, with that, Mr. Speaker, I thank all honourable colleagues, and I hope that we will continue to work together and collectively pray for the future of our country. Thank you, Mr. Speaker.

*[Gavel]*

*[At 9:42 pm, the House stood adjourned until 10:00 am, Friday, 8 May 2020.]*

*[Desk thumping]*

**The Speaker:** Members, as we rise to depart from here until the 8<sup>th</sup> of May, a lot of what has been said this evening has just encapsulated the spirit of where the country is when we pull together. When we pull together you see the best of Bermuda. And it is up to us as leaders to take that spirit from here out to our constituencies and the Island in general, so that the fake news, the speculation of the worst of the worst that is circulating around . . . we can contain it and deliver stability in how we conduct ourselves when those matters are brought to our attention.

We have to stop it in its tracks and remind folks that the real situation will be delivered from Government when Government knows about it. We have to direct people to the right sources of information and not the false information that will continue if it is not contained.

And we have to ask people to do their best not to get caught up in that type of circulation of information, because we all have the WhatsApp, we have all seen the stuff going around. Rather than spread it, let's try and stop it, and encourage others not to [spread it].

Be safe. Look after our seniors, look after our families. And if we all practice safe and cautious habits we will get through this thing by pulling together as one. Thank you.

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

## **ANNOUNCEMENT BY THE SPEAKER**

### **HOUSE VISITOR**

**The Speaker:** Thank you and the best to each and every one of you and your families.

But before I go, let me acknowledge in the Gallery the newest member of the St. George's Corporation. Is that Ms. Swan? Yes, Ms. Swan, how are you today?

*[Desk thumping]*

**The Speaker:** Welcome. Good.

East . . . east . . . east . . . Happy Easter to everyone as well. Best to you. (I was struggling with that word "Easter" that time, yes?)

**Hon. E. David Burt:** You have not banged your gavel yet, Mr. Speaker.