



**2017/18 SESSION**  
of the  
**BERMUDA**  
**HOUSE OF ASSEMBLY**

**OFFICIAL HANSARD REPORT**

**September/October 2017**  
*Sittings 1–6 of the 2017/18 Session*  
*(pages 1–454)*

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

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**BERMUDA HOUSE OF ASSEMBLY**

**OFFICIAL HANSARD REPORT  
8 SEPTEMBER 2017  
10:00 AM**

*Sitting Number 1 of the 2017/18 Session*

**PRAYERS**

*[Prayers read by Mrs. Shernette Wolffe, Clerk]*

**The Clerk:** We will ask everyone, please, to take their seats.

**LIST OF CERTIFIED MEMBERS**

**The Clerk:** Before we commence this new Parliament, I will ask all Members to please turn off their phones or put them to vibrate; the same instruction also applies to those in the public Gallery. Thank you for your consideration in this regard.

As required by the Clerk, I will now commence reading a list of those certified and those elected and returned to the House of Assembly on July 18, 2017:

Constituency	Member
1–St. George’s North	Renee D. L. Ming
2–St. George’s West	Hubert K. Swan
3–St. David’s	Lovitta F. Foggo
4–St. George’s South	Tinee S. Furbert
5–Hamilton East	Derrick V. Burgess
6–Hamilton West	Wayne L. Furbert
7–Hamilton South	Sylvan D. Richards, Jr.
8–Smith’s South	Nelson H. C. Simons
9–Smith’s West	Trevor G. Moniz
10–Smith’s North	Michael H. Dunkley
11–Devonshire East	Thomas C. Famous
12–Devonshire South Central	Legay C. Cannonier
13–Devonshire North Central	Diallo V. S. Rabain
14–Devonshire North West	Wayne M. Caines
15–Pembroke East	Walter H. Roban
16–Pembroke East Central	Michael A. Weeks
17–Pembroke Central	Charles W. D. Brown

18–Pembroke West Central	Edward D. G. Burt
19–Pembroke West	Jeanne J. Atherden
20–Pembroke South West	Susan E. Jackson
21–Pembroke South East	Rolfe P. Commissiong
22–Paget East	Edmond G. G. Gibbons
23–Paget West	Patricia J. Gordon-Pamplin
24–Warwick South East	William L. Scott
25–Warwick North East	Jeffrey C. Baron
26–Warwick South Central	Neville S. Tyrrell
27–Warwick North Central	Lt. Col. D. A. Burch
28–Warwick West	Dennis J. R. Lister, III
29–Southampton East	Zane J. S. De Silva
30–Southampton East Central	Leah K. Scott
31–Southampton West Central	Benjamin A. Smith
32–Southampton West	Scott A. Simmons
33–Sandys South	Jamahl S. Simmons
34–Sandys South Central	Kim N. Wilson
35–Sandys North Central	Dennis P. Lister
36–Sandys North	Michael J. Scott

**NOMINATION AND ELECTION  
OF SPEAKER**

**The Clerk:** Now we begin again the election of the Speaker, according to Standing Order 4. May I please have nominations from the floor?

**Hon. E. David Burt:** Good morning, Madam Clerk.

**The Clerk:** Good morning.

**Hon. E. David Burt:** Madam Clerk, this morning I rise in our new Parliament to nominate the Member from Sandys North Central to take the Chair as Speaker.

Members would know, Madam Clerk, that the Member from Sandys North Central is the longest-serving Member of this House, and he has been returned to this place seven times. He is without question an esteemed elder inside of the community, someone who knows the rules of the House and someone who we believe can discharge the duties of Chair of this House in an acceptable fashion.

Therefore, I nominate Mr. Dennis P. Lister, MP for Sandys North Central, as the Speaker.

**The Clerk:** May I please have a seconder?

**Mr. Dennis Lister III:** Good morning, Madam Clerk.

**The Clerk:** Good morning.

**Mr. Dennis Lister III:** I would like to also second the nomination of Dennis P. Lister, MP for Sandys North Central, constituency 35, for Speaker of the House.

**The Clerk:** Okay. So ordered.

I will now ask the proposer and the seconder to please proceed and bring the Honourable Member . . .

*[Crosstalk]*

**The Clerk:** With some duress.

*[Laughter]*

**The Clerk:** Are there any other nominations?

*[Laughter and inaudible interjections]*

### **AFFIRMATION OF ALLEGIANCE HON. DENNIS P. LISTER, JR.**

**Hon. Dennis P. Lister, Jr.:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

### **AFFIRMATION OF AN ASSEMBLYMAN HON. DENNIS P. LISTER, JR.**

**Hon. Dennis P. Lister, Jr.:** I, being a Member of this pre-sent Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continu-ance therein.

Thank you very much.

**The Clerk:** Okay. We are going to have a slight recess for one minute.

*[Pause]*

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

**The Speaker:** [Good morning Members. With the] permission of this Honourable House, I would like to take this opportunity to thank the many people who have made it possible for me to stand here today as Speaker of this Honourable House. Let me first say that I am humbled by the support and trust that the voters of constituency 35 continue to place in me. Secondly, I am honoured to have been nominated with the full support of my former caucus, who respect that I will be completely neutral in the administration of my duties as Speaker.

Lastly, but most important of all, I would like to acknowledge my family and friends, including former Members of this Parliament, my uncle Walter, my brother Terry, cousin Dale; my mentor, Mr. Roberts, who sits in the Gallery here today; Mr. Burrows; former Speaker, Mr. Lowe; but particularly my wife and my sons, Dennis, Randall and Russell, for their endless love and support.

On that note, in this my 28<sup>th</sup> year in this House, let me also acknowledge the voters of constituency 28 for enabling my family to go into the history books as the first father and son to sit in this Honourable House at the same time.

*[Desk thumping]*

**The Speaker:** I would also like to acknowledge the presence of my mother in the Gallery.

Parliament, to be more specific, the House of Assembly, represents the hallmark of democracy, an institution where laws are enacted and the views reflecting various segments of our community are represented. As one of the oldest parliaments in the western hemisphere, there is a long history behind our Parliament. I intend to exhibit parliamentary leadership by being fair, firm and respectful.

Strengthening the accountability and improving the relationship between Parliament and society is not only timely, but vital. I believe every Member has something valuable to contribute. Most importantly, we in this Chamber must always represent the people.

Members, I am truly honoured that you have shown confidence in me. I thank you for this privilege. I expect to discharge my duties to the best of my abilities, notwithstanding the huge task of ensuring that each of you maintains the standard of decorum that is demanded of you at all times.

I pray that God will give me the strength to always conduct myself as I should in this Honourable House. Thank you, Members. Thank you, Bermuda.

We will now proceed with the swearing-in of the rest of the Members into this new House.

Madam Clerk.

**The Clerk:** We are now going to proceed with the swearing-in, in groups of . . .

**The Speaker:** The Premier first; the Premier and the Opposition Leader.

**The Clerk:** The Premier first. The Premier and the Opposition Leader (my apologies).

*[Pause]*

**OATH OF ALLEGIANCE  
HON. E. DAVID BURT**

**Hon. E. David Burt:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN  
HON. E. DAVID BURT**

**Hon. E. David Burt:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**The Speaker:** Madam Opposition Leader.

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

**OATH OF ALLEGIANCE  
HON. PATRICIA J. GORDON-PAMPLIN**

**Hon. Patricia J. Gordon-Pamplin:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN  
HON. PATRICIA J. GORDON-PAMPLIN**

**Hon. Patricia J. Gordon-Pamplin:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**The Speaker:** Thank you.

*[Crosstalk]*

**The Speaker:** Now you may call groups of Members.

**The Clerk:** We are now going to begin the swearing-in of all other Members. We are going to start with the Government Members on the front bench. We are going to take them in groups of four. Thank you.

**The Speaker:** The oath [of allegiance] or affirmation?

**OATH OF ALLEGIANCE  
HON. WALTER H. ROBAN**

**Hon. Walter H. Roban:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN  
HON. WALTER H. ROBAN**

**Hon. Walter H. Roban:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein to the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**The Speaker:** Minister.

**OATH OF ALLEGIANCE  
LT. COL. HON. DAVID A. BURCH**

**Lt. Col. Hon. David A. Burch:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN  
LT. COL. HON. DAVID A. BURCH**

**Lt. Col. Hon. David A. Burch:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE  
HON. DIALLO V. S. RABAIN**

**Hon. Diallo V. S. Rabain:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN**  
**HON. DIALLO V. S. RABAIN**

**Hon. Diallo V. S. Rabain:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE**  
**HON. JAMAHL S. SIMMONS**

**Hon. Jamahl S. Simmons:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN**  
**HON. JAMAHL S. SIMMONS**

**Hon. Jamahl S. Simmons:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

*[Pause]*

**The Speaker:** Call the next four.

**The Clerk:** May I now have the Honourable K. N. Wilson, the Honourable C. W. Brown, the Honourable L. F. Foggo and the Honourable Z. J. De Silva.

**OATH OF AN ASSEMBLYMAN**  
**HON. KIM N. WILSON**

**Hon. Kim N. Wilson:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavours therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE**  
**HON. KIM N. WILSON**

**Hon. Kim N. Wilson:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**OATH OF ALLEGIANCE**  
**HON. LOVITTA F. FOGGO**

**Hon. Lovitta F. Foggo:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen

Elizabeth II, her heirs and successors, according to law.

**OATH OF AN ASSEMBLYMAN**  
**HON. LOVITTA F. FOGGO**

**Hon. Lovitta F. Foggo:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE**  
**HON. WALTON BROWN**

**Hon. Walton Brown:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the Queen, Elizabeth II, heirs and successors, according to law.

*[Inaudible interjections]*

**An Hon. Member:** Yes. Could you repeat that?

**Hon. Walton Brown:** To her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**HON. WALTON BROWN**

**Hon. Walton Brown:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and I will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**The Speaker:** Thank you.

**OATH OF ALLEGIANCE**  
**HON. ZANE J. S. DE SILVA**

**Hon. Zane J. S. De Silva:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**OATH OF AN ASSEMBLYMAN**  
**HON. ZANE J. S. DE SILVA**

**Hon. Zane J. S. De Silva:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE**  
**HON. WAYNE M. CAINES**

**Hon. Wayne M. Caines:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**HON. WAYNE M. CAINES**

**Hon. Wayne M. Caines:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**The Clerk:** Now may we have the back bench, starting from the Honourable D. V. Burgess, Mr. W. L. Scott, W. L. Furbert, [Mr.] M. Weeks.

**AFFIRMATION OF ALLEGIANCE**  
**HON. DERRICK V. BURGESS, SR.**

**Hon. Derrick V. Burgess, Sr.:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**HON. DERRICK V. BURGESS, SR.**

**Hon. Derrick V. Burgess, Sr.:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE**  
**MR. W. LAWRENCE SCOTT**

**Mr. W. Lawrence Scott:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN**  
**MR. W. LAWRENCE SCOTT**

**Mr. W. Lawrence Scott:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or

advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE**  
**HON. WAYNE L. FURBERT**

**Hon. Wayne L. Furbert:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN**  
**HON. WAYNE L. FURBERT**

**Hon. Wayne L. Furbert:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE**  
**MR. MICHAEL A. WEEKS**

**Mr. Michael A. Weeks:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**MR. MICHAEL A. WEEKS**

**Mr. Michael A. Weeks:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**The Clerk:** Now, to begin with, I believe that it is Mr. M. J. Scott (I could not see), Mr. R. P. Commissiong, Mr. N. S. Tyrrell and Mr. Hubert K. Swan.

**OATH OF ALLEGIANCE**  
**HON. MICHAEL J. SCOTT**

**Hon. Michael J. Scott:** I do declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN**  
**HON. MICHAEL J. SCOTT**

**Hon. Michael J. Scott:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general

good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE  
MR. ROLFE COMMISSIONG**

**Mr. Rolfe Commissiong:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN  
MR. ROLFE COMMISSIONG**

**Mr. Rolfe Commissiong:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE  
MR. NEVILLE S. TYRRELL**

**Mr. Neville S. Tyrrell:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN  
MR. NEVILLE S. TYRRELL**

**Mr. Neville S. Tyrrell:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE  
MR. HUBERT KIM E. SWAN**

**Mr. Hubert (Kim) E. Swan:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN  
MR. HUBERT KIM E. SWAN**

**Mr. Hubert (Kim) E. Swan:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the good without respect to private interest, gain or advantage, and will strive to discharge a good con-

science in all equity and integrity during my continuance therein.

**The Clerk:** We will now continue with Mrs. T. Furbert, Mrs. R. Ming, Mr. D. Lister, Mr. T. Famous and Mr. Scott Simmons.

**OATH OF AN ASSEMBLYMAN  
MRS. TINEE FURBERT**

**Mrs. Tinee Furbert:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE  
MRS. TINEE FURBERT**

**Mrs. Tinee Furbert:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF ALLEGIANCE  
MRS. RENEE MING**

**Mrs. Renee Ming:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**OATH OF AN ASSEMBLYMAN  
MRS. RENEE MING**

**Mrs. Renee Ming:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE  
MR. DENNIS LISTER III**

**Mr. Dennis Lister III:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN  
MR. DENNIS LISTER III**

**Mr. Dennis Lister III:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good con-

science in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE**  
**MR. CHRISTOPHER FAMOUS**

**Mr. Christopher Famous:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**MR. CHRISTOPHER FAMOUS**

**Mr. Christopher Famous:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE**  
**MR. SCOTT SIMMONS**

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

I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**MR. SCOTT SIMMONS**

**Mr. Scott Simmons:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**The Clerk:** I will now call on Mr. N. H. C. Simons and Mr. S. D. Richards.

**OATH OF ALLEGIANCE**  
**MR. N. H. COLE SIMONS**

**Mr. N. H. Cole Simons:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN**  
**MR. N. H. COLE SIMONS**

**Mr. N. H. Cole Simons:** I, being a Member of this present Assembly, do swear by Almighty God to use

and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE**  
**MR. SYLVAN D. RICHARDS, JR.**

**Mr. Sylvan D. Richards, Jr.:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**MR. SYLVAN D. RICHARDS, JR.**

**Mr. Sylvan D. Richards, Jr.:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**The Clerk:** And now we will begin with Dr. E. G. Gibbons, Mr. B. Smith, Mrs. J. J. Atherden, Mr. . . .

*[Inaudible interjection]*

**The Clerk:** Oh, my apologies. Ms. S. E. Jackson (I did not recognise the new hairstyle), Mr. J. C. Baron and Ms. L. K. Scott.

Have I left anyone out? Okay. You can proceed this way.

**AFFIRMATION OF ALLEGIANCE**  
**HON. DR. E. GRANT GIBBONS**

**Hon. Dr. E. Grant Gibbons:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN**  
**HON. DR. E. GRANT GIBBONS**

**Hon. Dr. E. Grant Gibbons:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE**  
**MR. BEN SMITH**



**Mr. Ben Smith:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN  
MR. BEN SMITH**

**Mr. Ben Smith:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**AFFIRMATION OF ALLEGIANCE  
MS. SUSAN E. JACKSON**

**Ms. Susan E. Jackson:** I do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**AFFIRMATION OF AN ASSEMBLYMAN  
MS. SUSAN E. JACKSON**

**Ms. Susan E. Jackson:** I, being a Member of this present Assembly, do solemnly and sincerely affirm that I will use and employ my best endeavour therein for the general good without respect to private interest, gain or advantage, and will strive to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE  
MR. JEFF BARON**

**Mr. Jeff Baron:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN  
MR. JEFF BARON**

**Mr. Jeff Baron:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF ALLEGIANCE  
MS. LEAH K. SCOTT**

**Ms. Leah K. Scott:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Eliza-

beth II, her heirs and successors, according to law, so help me God.

**OATH OF AN ASSEMBLYMAN  
MS. LEAH K. SCOTT**

**Ms. Leah K. Scott:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

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

All Members are now duly sworn into the House.

**NOMINATION AND ELECTION  
OF DEPUTY SPEAKER**

**The Speaker:** The next order of business will be the election of the Deputy Speaker. Do we have a nominee for Deputy Speaker?

Mr. Premier.

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

Mr. Speaker, I wish to nominate the Member from constituency 5 to take the position of Deputy Speaker of the House. The Honourable Derrick Burgess has been elected six times to this House and is the second-longest-serving member of our caucus, and we believe that he will serve in that position with distinction.

**The Speaker:** Thank you, Mr. Premier.

Do we have a seconder?

**Hon. Walter H. Roban:** Mr. Speaker, I do second the nomination of Derrick Vaughn Burgess to be the Deputy Speaker of this hallowed Chamber.

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

Mr. Premier and Mr. Deputy Premier, would you like to escort your nominee?

One second . . . Are there any further nominees? I should have asked first, are there any further nominees? No further nominees. Mr. Premier, Deputy Premier.

*[Laughter and inaudible interjections]*

**The Speaker:** Mr. Deputy [Speaker], you are duly elected by your colleagues. We will trust that you will be a true and faithful Deputy Speaker in this House, and we look forward to your service in that capacity.

*[Desk thumping]*

**The Speaker:** At this point, we are going to dispatch two Members to go down to the Cabinet grounds and inform his Excellency to dispatch the Black Rod. At this time will Members, Mrs. Tinee Furbert and Mr. Ben Smith, come forward and take the letter for us?

## MESSAGE FROM THE GOVERNOR

**The Speaker:** Members, Members, we have received the letter. And the letter is from His Excellency: "I have the honour to inform the Honourable House that I will deliver the speech on the occasion of the convening of Parliament at 11:00 am today, Friday, the 8<sup>th</sup> of September 2017, on the Cabinet Office lawn."

And we will await the arrival of the Black Rod.

*[Pause]*

**The Speaker:** Members, just bear with us for a few moments, in that the time is ticking away. But what we have to remember today is that all Members had to be sworn in. It is not just like a normal Throne Speech. So the clock may not be in our favour at this point, and I think others down on the Cabinet lawn may be getting a little anxious; but His Excellency will have to understand that we did have to do the swearing-in's this morning. And even though procedures may have gone out of sync right now, we are going to get that back in tune before we depart from here. So just give us a few moments.

*[Pause]*

**The Speaker:** Members, Members, the Black Rod has arrived. Can we have order again? Please take your seats.

**The Sergeant-at-Arms:** Mr. Speaker, a messenger has come from His Excellency the Governor.

**The Speaker:** Let him enter.

*[Pause]*

**The Speaker:** Yes, continue.

**Black Rod:** His Excellency the Governor has asked for this House to meet on the lower lawn forthwith.

**The Speaker:** Thank you for delivering the message. We will proceed down to the lawn forthwith.

Members, as you know, there has been an order of how we should proceed. I think your Whips have the order. And I would ask Members to fall in line accordingly as we leave to join proceedings on the Cabinet lawn.

**Proceedings suspended at 11:00 am**

**Proceedings resumed at 12:41 pm**

**The Speaker:** Members, now we are ready to proceed with the Orders of the Day.

Mr. Premier, I believe you have a motion for us at this moment?

## SUSPENSION OF STANDING ORDERS 14 AND 21

**Hon. E. David Burt:** Good afternoon, Mr. Speaker.

I move that Standing Orders 14 and 21 be suspended to enable me to move a motion relating to the Governor's Speech from the Throne.

**The Speaker:** Please continue.

## MOTION THAT THE GOVERNOR'S SPEECH BE TAKEN AS READ AND SET DOWN FOR CONSIDERATION AT THE NEXT DAY OF MEETING

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

I move that the speech with which His Excellency the Governor was pleased to open the present session of Parliament be taken as read, and that the said speech be set down for consideration as the first Order of the Day for the next day of meeting.

**The Speaker:** Thank you, Mr. Speaker *[sic]*; it has been noted . . . Mr. Premier.

*[Laughter]*

**The Speaker:** No one else caught that, did they? Was I the only one who caught that? All right.

Mr. Deputy Speaker, I believe you have a motion.

*[Motion carried]*

## APPOINTMENT OF CLERK TO THE LEGISLATURE

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, I move that the appointment of Mrs. Shernette M. Wolffe as the Clerk to the Legislature be approved.

**The Speaker:** It is approved; go ahead.

## APPOINTMENT OF SERGEANT-AT-ARMS

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, I move that the appointment of Mr. Arnold Allen as Sergeant-at-Arms and Keeper of the House and Grounds of the Assembly be approved.

**The Speaker:** Approved.

## STANDING ORDERS

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, I move that the Standing Orders of the House in force during the last session of the last Parliament be construed in force.

**The Speaker:** Approved.

## CONFIRMATION OF MINUTES

**The Clerk:** The Minutes are just noted, as this is a new Parliament.

## MESSAGES FROM THE GOVERNOR

**The Speaker:** There are none.

## ANNOUNCEMENTS BY THE SPEAKER OR MEMBER PRESIDING

**The Speaker:** There are none.

## MESSAGES FROM THE SENATE

**The Speaker:** There are none.

## PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

**The Speaker:** I believe we have a communication from the Minister of Health, the Honourable K. Wilson. Ms. Wilson, you have the floor.

### QUARANTINE (MARITIME AND AIR) REGULATIONS 2017

**Hon. Kim N. Wilson:** Good afternoon, Mr. Speaker, thank you.

Mr. Speaker, I have the honour to attach and submit for the consideration of the Honourable House of Assembly the Quarantine (Maritime and Air) Regulations 2017, proposed to be made by the Minister of Health under section 5 of the Quarantine Act 2017.

**The Speaker:** Certainly noted.

## PETITIONS

**The Speaker:** There are none.

## STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

**The Speaker:** There are none.

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

## QUESTION PERIOD

**The Speaker:** There are none.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** There are none.

## 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

### GOVERNMENT BILLS

**The Speaker:** We have Government Bills. I recognise the Premier, the Honourable David Burt.

## FIRST READINGS

### COMPANIES AMENDMENT (NO. 2) ACT 2017

### PAYROLL TAX AMENDMENT (NO. 3) ACT 2017

### USA-BERMUDA TAX CONVENTION AMENDMENT (NO. 3) ACT 2017

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

Mr. Speaker, I am introducing the following Bills for their first reading so that they may be placed on the Order Paper for the next day of meeting: The Companies Amendment Act (No. 2) 2017; The Payroll Tax Amendment (No. 3) Act 2017; and The USA-Bermuda Tax Convention Amendment (No. 3) Act 2017.

**The Speaker:** Mr. Premier, they were duly noted.

We also have Bills from the Honourable Minister of Health, Minister Wilson.

## FIRST READINGS

### PROCEEDS OF CRIME AMENDMENT (NO. 2) ACT 2017

### QUARANTINE AMENDMENT ACT 2017

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

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: The Proceeds of Crime Amendment (No. 2) Act 2017.

Mr. Speaker, I also am introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next meeting, namely, The Quarantine Amendment Act 2017. Thank you.

**The Speaker:** Noted, duly noted.

## OPPOSITION BILLS

**The Speaker:** There are none.

## PRIVATE MEMBERS' BILLS

**The Speaker:** There are none.

## NOTICES OF MOTIONS

**The Speaker:** There are none.

## ORDERS OF THE DAY

**The Speaker:** There are none.

Mr. Premier, we recognise you.

## ADJOURNMENT

**Hon. E. David Burt:** Good afternoon again, Mr. Speaker.

Mr. Speaker, I move that the House do now adjourn until its next day of sitting, September 15<sup>th</sup>, 2017.

**The Speaker:** Mr. Premier, the motion to adjourn has been noted, and the House now stands adjourned until next Friday, the 15<sup>th</sup> of September.

*[Gavel]*

*[At 12:45 pm, the House stood adjourned until 10:00 am, Friday, 15 September 2017.]*

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**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****15 SEPTEMBER 2017****10:00 AM***Sitting Number 2 of the 2017/18 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Ms. Shernette Wolffe, Clerk]***CONFIRMATION OF MINUTES***[Minutes of 8 September 2017]*

**The Speaker:** The Minutes have been confirmed for the 8<sup>th</sup> of September 2017.

Confirmed.

**The Clerk:** Are there any objections?

**The Speaker:** There are none.

*[Minutes of 8 September 2017 confirmed]***MESSAGES FROM THE GOVERNOR**

**The Speaker:** There are none.

**ANNOUNCEMENTS BY THE SPEAKER  
OR MEMBER PRESIDING**

**The Speaker:** At this time, we will do the swearing-in and oaths for the Members who were not here last week.

Madam Clerk, would you like to call those Members?

**The Clerk:** Okay. Members, the Honourable M. H. Dunkley, Mr. L. C. Cannonier, Mrs. J. J. Atherden, and the Honourable T. G. Moniz, would you please come forth so that you can be sworn in by the Speaker? Thank you.

You can do it one at a time.

*[Pause]***OATH OF ALLEGIANCE****HON. MICHAEL H. DUNKLEY**

**Hon. Michael H. Dunkley:** Mr. Speaker and Members of the House, oath of allegiance.

I do swear that I will be faithful, bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF ALLEGIANCE****MRS. JEANNE J. ATHERDEN**

**Mrs. Jeanne J. Atherden:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF ALLEGIANCE****MR. L. CRAIG CANNONIER**

**Mr. L. Craig Cannonier:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law, so help me God.

**OATH OF ALLEGIANCE****HON. TREVOR G. MONIZ**

**Hon. Trevor G. Moniz:** I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**The Clerk:** Okay. Now you do the Oath of an Assemblyman.

**OATH OF AN ASSEMBLYMAN****HON. MICHAEL H. DUNKLEY**

**Hon. Michael H. Dunkley:** Mr. Speaker, Members of the House, I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

**OATH OF AN ASSEMBLYMAN****MRS. JEANNE J. ATHERDEN**

**Mrs. Jeanne J. Atherden:** Mr. Speaker, and Members of the House, I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good

without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

### **OATH OF AN ASSEMBLYMAN MR. L. CRAIG CANNONIER**

**Mr. L. Craig Cannonier:** I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

### **OATH OF AN ASSEMBLYMAN HON. TREVOR G. MONIZ**

**Hon. Trevor G. Moniz:** Mr. Speaker, I, being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.

### **ANNOUNCEMENTS BY THE SPEAKER OR MEMBER PRESIDING**

**The Speaker:** Thank you, Members. I think now all Members of the House have been duly sworn in.

The next announcement will be that of the sessional and standing committees. Members, there are seven such committees.

### **SESSIONAL SELECT COMMITTEES**

**The Speaker:** I am going to do the sessional ones first, the first being the **Register of Members' Interests**. The chairman for that will be the Honourable Member, Mr. Michael Weeks. The next member will actually come from the Senate, the Senator, Mr. Vance Campbell. The other member, from this House, will be the Honourable T. S. Furbert. Then it is the Honourable S. A. Simmons; the Honourable R. P. Commissioning; the Honourable E. G. Gibbons; and from the Senate, the Senator N. S. Davis [Outerbridge].

The next committee will be that of the **Private Bills**. The chairman is the Deputy Speaker, the Honourable D. V. Burgess. The next members are the Honourable R. D. Ming; the Honourable J. C. Baron; the Honourable M. J. Scott; the Honourable T. G. Moniz; Senator V. M. Campbell; and Senator J. S. Jardine.

The next committee is that of the **Office of the Auditor**. The chairman is the Honourable R. D. Ming. The next member is the Honourable N. S. Tyrrell; the next is the Honourable R. P. Commissioning;

the next member is [Ms.] L. K. Scott; and the remaining member is [Mr.] S. D. Richards.

The next committee is that of the **Public Accounts**. The chair is the Honourable J. J. Atherden; the next members are the Honourable M. A. Weeks; the Honourable W. L. Furbert; the Honourable S. E. Jackson; the Honourable N. S. Tyrrell; the Honourable D. J. Lister; [and] the Honourable N. [H.]. Simons.

### **ANNUAL SELECT COMMITTEES**

**The Speaker:** The next three committees are named "Annual" that being the **House and Grounds**. The chairman for that is the Deputy Speaker, the Honourable D. V. Burgess; the Honourable S. A. Simmons; the Honourable L. A. Scott; the Honourable L. C. Cannonier; the Honourable B. S. Smith.

Then there is the **Standing Orders and Privilege Committee**, which is chaired by myself, the Speaker; the Premier, the Honourable David Burt; the Leader of the Opposition, the Honourable Patricia Gordon-Pamplin. Then it is [Mrs.] S. E. Jackson; the Honourable M. A. Weeks; and the Honourable D. V. Burgess.

The last committee is that of **Regulations**. And the chairman for that is the Honourable H. K. [E.] Swan; then the Honourable T. C. Famous; and then the Honourable M. J. Scott; the Honourable L. C. Cannonier; and the Honourable M. H. Dunkley.

Those are the committees that will serve for this House and session.

### **MESSAGES FROM THE SENATE**

**The Speaker:** There are none.

### **PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE**

**The Speaker:** We have three papers. And I will first recognise Mr. Premier.

### **SUPPLEMENTARY ESTIMATES (NO. 1) FOR FINANCIAL YEAR 2017/18**

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

Mr. Speaker, pursuant to powers conferred by section 96(3) of the Bermuda Constitution, I have the honour to attach and submit for the consideration of the House of Assembly the following Supplementary Estimates: Supplementary Estimates (No. 1) for Financial Year 2017/18.

**The Speaker:** Do you have a second one, Premier?

**Hon. E. David Burt:** Yes, Mr. Speaker.

**The Speaker:** Continue.

### BERMUDA MONETARY AUTHORITY ANNUAL REPORT 2016

**Hon. E. David Burt:** Mr. Speaker, I have the honour to attach and submit for the information of the House of Assembly the Bermuda Monetary Authority Annual Report 2016, laid for information of the House of Assembly.

**The Speaker:** Thank you, Mr. Premier.

The third communication, is that of the Minister of Health? Minister Wilson.

### BERMUDA HEALTH COUNCIL ANNUAL REPORT 2017

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

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Bermuda Health Council Annual Report 2017.

**The Speaker:** Thank you, Minister.  
No more communications?

*[No audible response]*

### PETITIONS

**The Speaker:** There are none.

### STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

**The Speaker:** I believe we have nine Statements this morning.

Premier, will you lead off?

**Hon. Dr. E. Grant Gibbons:** Mr. Speaker, do we have the written Statements?

**The Speaker:** They were circulated. They should be on your desk. Any Member who does not have them, just let us know.

*[Pause]*

**The Clerk:** All Members were circulated their copies.

**Hon. E. David Burt:** Mr. Speaker, am I okay to proceed?

**The Speaker:** Everyone comfortable? They have got their copies?

Proceed, Premier.

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

**The Speaker:** Thank you.

### SUPPLEMENTARY ESTIMATE (NO. 1) 2017/18

**Hon. E. David Burt:** Mr. Speaker, I rise this morning to provide information on [Supplementary Estimate \(No. 1\)](#) for 2017/18, which was tabled in this Honourable House earlier today.

Mr. Speaker, the Ministry of Finance policy is to place supplementary estimate requests before the legislature just prior to the conclusion of the financial year. However, considering that there has been a change in government, it is prudent to table a supplementary estimate at this time in order to highlight the supplementary estimates that were the responsibility of the former Government. Notwithstanding that these items will be debated at a later date, I can advise that Supplementary Estimate (No. 1) 2017/18 is a combination of unbudgeted expenditure items which were incurred by the previous administration. The supplementary request directly relates to contractual commitments of the former Government for the America's Cup, the World Triathlon Series, the Bermuda Casino Gaming Commission, the Bermuda Airport Authority Capital Grants, the redevelopment of the airport, and a Memorandum of Understanding for the St. George's hotel development.

Specific details of some of the supplementary estimates are as follows:

- An additional \$4.3 million in sponsorship guarantees paid to the America's Cup Event Authority in addition to the under budgeted amount of \$15 million. This under budgeting occurred despite the advice of the ACBDA to budget at least \$18 million. The total of \$19.3 million was paid to the America's Cup Event Authority last month;
- \$2.9 million to host the World Triathlon Series in 2018;
- \$1.6 million to fund the operation of the Gaming Commission;
- \$1.7 million to provide additional ferry services for the America's Cup, as no additional funds were included in the budget for the additional service provided during the America's Cup;
- \$1.9 million to undertake certain infrastructure works as part of an agreement with Desarrollos Hotelco Group, the developers of the proposed St. Regis Hotel in St. George's; and
- \$290,000 to fund the relocation of the post office mail facility from the airport, to avoid penalties and having to pay rent to Aecon.

Mr. Speaker, as I mentioned, these items will be debated in detail, including input from the relevant and accountable ministries and Minister, at a later date.

Mr. Speaker, this Government will try its utmost to ensure that the projected deficit for 2017/18



does not worsen. But we cannot let past lapses with regards to handling the public purse by the former Government hamper our efforts to establish a better and fairer Bermuda that was promised in our election platform.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Thank you, Mr. Premier.

The next Statement is that of the Minister of Tourism, Honourable Member, Mr. Simmons.  
Minister.

### **AUDIT OF THE BERMUDA TOURISM AUTHORITY FOR THE YEAR ENDING DECEMBER 31, 2016**

**Hon. Jamahl S. Simmons:** Thank you, and good morning, Mr. Speaker.

I rise today to provide this Honourable House with the summary findings of [the audit of the Bermuda Tourism Authority \[BTA\]](#) (or the Authority) for the year ending December 31<sup>st</sup>, 2016, that was presented to me shortly after becoming the Minister with responsibility for the Authority. I must say that I was quite disturbed with its findings and the lack of accountability—of which I will highlight further in my Statement.

Mr. Speaker, in planning and performing the audit of financial statements of the BTA, the Auditor General reviewed the accounting procedures and systems of internal controls to the extent that it was considered necessary to evaluate the system as required by generally accepted auditing standards. During the course of the audit, 13 areas of improvements and the need for strengthened internal controls were identified. These include the following:

1. No evidence to support that either the Compensation and Remuneration Committee or the BTA Board ensured that the eligibility criteria for bonuses to the Executive Management Team were met.

2. Performance appraisal forms of selected employees were not provided by the Authority. The personal component of the incentive bonus calculation is based on the individual performance appraisal of the Authority's employees.

3. A lack of board approval for 30 per cent discretionary bonus to the former CEO.

4. A credit balance in accrued income. A payment was incorrectly posted as a credit instead of bad debt recovery.

5. A lack of signed contracts for services and sponsorships.

6. Payments made prior to completion of milestones.

7. Incomplete disclosures related to party transactions.

8. Revisions to new capitalisation policy. The Authority's current policy does not contain require-

ments for asset identification numbers and regular verification of the register's contents.

9. Inconsistency in estimated useful lives. The Authority's financial statements estimate the useful lives of equipment at 3–5 years, whereas the Authority's Master Financial Policy for depreciation is five years.

10. The former CEO of the Authority referred to it as a "private sector organisation" in June 2016 Board minutes. The Authority is, in fact, a public authority.

11. In-camera sessions of board meetings. Twelve of the thirteen board minutes for the year include in-camera sessions which are not recorded in the minutes.

12. The Audit and Risk Committee minutes of September 2016 confirmed that the committee would meet every quarter. However, there were no meetings held for either the last quarter of 2016 or the first quarter of 2017.

13. Declaration of Interests by employees and potential employees. The Authority did not provide a response on whether they had received any declarations of interests from any employees, and how this requirement is communicated to its employees.

Mr. Speaker, in response to the aforementioned items, the Auditor General submitted the following recommendations:

For those charged with governance to perform their role in a responsible manner—minimally, the executive management—bonus eligibility should be reviewed and approved. Accordingly, the board should update its governance charter to ensure that there is proper oversight and review of incentive bonuses, particularly for the executive management team.

Given the discretionary nature of the incentive bonus awarded to the former CEO, the board or the Compensation and Remuneration Committee should approve the bonus percentage awarded to the former CEO and document such approval in its minutes.

The board should ensure that the minutes of all meetings, including in-camera sessions, are documented.

Although the Authority has its own financial policies, the Government's Financial Instructions should form the minimum standard for financial controls in every quango.

The Audit and Risk Committee should comply with its policy. Management should

- follow its compensation philosophy and ensure the timely completion of the signed performance appraisals. Moreover, the Compensation and Remuneration Committee should not be approving the incentive bonuses prior to receipt of the completed performance appraisal forms;
- correct misstatements in a timely manner;
- ensure contracts are timely signed to manage any potential contract risk to the Authority;

- ensure that the contract provisions are met prior to making any payments;
- ensure compliance with all relevant disclosure requirements of Public Sector Accounting Standards (PSAS) when preparing its financial statements;
- review and amend, if necessary, its depreciation policy to ensure that it is implemented consistently;
- comply with all of the requirements of its Act.

Mr. Speaker, these observations do not highlight all points or suggestions for improvements to the system of internal control. It does, however, isolate problem areas so that corrective measures can be undertaken. I can report to this Honourable House that the Bermuda Tourism Authority has acknowledged the issues raised in this report and has begun to implement these recommendations. However, it is unfortunate that such measures had to be identified through the audit process for actions to be undertaken to improve the level of transparency within this organisation.

Mr. Speaker, as Minister responsible for Tourism, I am obligated to increase the accountability of the Bermuda Tourism Authority, develop a process for better monitoring the funds utilised by the BTA, while demanding a greater return on investment. The findings of this audit are unacceptable, and I will be monitoring the BTA closely to ensure higher standards of transparency and accountability from that organisation. To this end, my Ministry will be reviewing the updates relating to the items identified in this report and will keep this Honourable House updated accordingly.

Thank you, Mr. Speaker.

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

I believe the next Statement is from the Honourable Minister for Health, Minister Wilson.

### BERMUDA'S 50 MILLION STEPS CHALLENGE

**Hon. Kim N. Wilson:** Mr. Speaker, I stand before this Honourable House to highlight an important initiative within the Ministry of Health, namely, ["Bermuda's 50 Million Steps Challenge."](#)

Mr. Speaker, I think everyone in Bermuda is now fully aware of the damage being caused to our community by our high rates of obesity and chronic non-communicable conditions, such as diabetes. These preventable conditions cut our lives short, are notoriously expensive to treat, and destroy quality of life and productivity. Most Western high-income countries are grappling with the same problem, and Bermuda is no different.

Mr. Speaker, the Ministry of Health is committed to combatting this scourge on our population, and our Throne Speech promised that the Government will engage all sectors of society in a coordinated strategic plan to halt the rise in obesity and diabetes in Bermu-

da. First on the agenda is to engage all sectors of society, Mr. Speaker, and that is the 50 Million Steps initiative.

On Monday, 26 June 2017, the Department of Health launched the Bermuda's 50 Million Steps Challenge. It is an opportunity for residents to improve our Island's health while having fun at the same time. Participants were encouraged to join their parish team and collectively walk 50 million steps. In addition, friendly competitions have begun between the nine parishes, and that has been encouraged in order to see which team will be ranked with the highest step average.

Team rankings occur when the total number of steps accumulated by all team members per day are added and then divided by the number of team members, to obtain the team's daily average and thus the team's overall ranking. The winning parish will be announced at the annual "Celebrating Wellness" event on Wednesday, the 27<sup>th</sup> of [September] 2017, at Victoria Park, from 4:00 pm to 8:00 pm.

Mr. Speaker, Celebrating Wellness is an annual outdoor event to promote physical activity and healthy eating. This year's theme focuses on securing a brighter future for our youth, by establishing early positive health behaviours to prevent chronic non-communicable diseases. The parish that wins the 50 Million Step Challenge will receive outdoor fitness equipment to be placed in a designated park in that parish!

To date, participants have surpassed the 50 million steps goal and are on course to reach 100 million steps. Congratulations to the participants who have contributed their steps to the original goal. There still remain a couple of weeks left in the challenge, so my challenge to honourable colleagues, and to the public, is that they participate, and I encourage them to do so.

Mr. Speaker, initiatives like this promote the importance of active living. Physical activity and healthy eating have long been proven to reduce the risk of chronic non-communicable diseases such as diabetes, heart disease, and cancer. Consistent physical activity, like walking, helps also improve quality of life, mental health, and healthy ageing. In addition, Mr. Speaker, walking is a truly affordable way of improving one's health. It does not require a gym membership or expensive equipment—just a pair of shoes.

On a personal note, Mr. Speaker, I would also like to take this opportunity to remind all walkers and joggers to please wear reflective gear while on Bermuda's roads, especially when there is poor visibility at night. I have personally seen too many walkers in the dark who are not visible until a vehicle is too close. Walkers—you can see the cars, but the cars cannot see you without reflective gear. So, please wear it.

Mr. Speaker, Bermuda is at a health crossroads. According to the 2014 STEPS Health Survey of Adults in Bermuda, 75 percent of adults were over-

weight or obese, representing 40.2 per cent and 34.4 per cent, respectively. Only 18 per cent of adults consume five or more servings of fruit and/or vegetables per day. Thirty-three percent reported having high blood pressure, and 12 per cent reported having diabetes. A concerted effort must be made to decrease these modifiable risk factors—such as overweight and obesity, physical inactivity, poor diet, high blood sugar and high blood pressure.

It is going to take an all-of-society approach to tackle the obesity epidemic, including the private and public sectors, supermarkets, restaurants, educators, and policymakers. All of us are needed to address this very serious health problem.

Fellow Honourable Members, if you have not done so already, I invite you to join me in the Bermuda 50 Million Steps Challenge in the final weeks of the competition. You can log your steps via your fitness device, smartphone, or manually. Just yesterday, I registered 13,068 steps on my own step counter.

To join me, just log on to [www.stridekick.com/tc/bermuda](http://www.stridekick.com/tc/bermuda) or e-mail [healthpromotion@gov.bm](mailto:healthpromotion@gov.bm) for more information about the challenge.

Sign up and join your parish team to see who walks the walk around here! I should point out that, currently, the Parish of St George's are leading the race in first place, with Pembroke and Paget hot on their heels! But I think all teams would love additional steppers, so please join in. Thank you, Mr. Speaker.

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

The next Statement that we have is that of the Minister of Home Affairs, Minister Brown. Minister Brown, the floor is yours.

### THE NEXT WAVE OF CHANGES TO IMMIGRATION POLICIES AND PROCEDURES

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

Mr. Speaker, as the new Minister of Home Affairs, it is my view that [certain immigration policies and procedures](#) must be immediately addressed so that the Department of Immigration [the Department] will continue to be effective and efficient in achieving the Home Affairs Ministry's primary mandate—that is, *to improve the economy by addressing the needs of the local and international business community and the career aspirations of Bermudians*. As such, I rise today to communicate that the following changes are in train:

1. enhancements to the Musician/Entertainer Policy;
2. careful assessments of Statements of—

**The Speaker:** Minister. Can I ask you to pause for one second? I think other Members have their microphones on.

Just as a caution to other Members, please make sure your microphone is off, because your conversation could be transferred over the airways.

Minister, resume your Statement.

**Hon. Walton Brown:** Mr. Speaker, you have startled me. Now I need to recompose myself.

**The Speaker:** Just do not start at the beginning; that is all.

[Laughter]

**Hon. Walton Brown:** So, I rise today to communicate that the following changes are in train:

1. enhancements to the Musician/Entertainer Policy;
2. careful assessments of Statements of Employment;
3. closer monitoring of the recruitment processes by employers; and
4. effecting a plan to return the full processing of British Overseas Territories Citizen (BOTC) (Bermuda) passports to Bermuda.

Mr. Speaker, the aforementioned list comprises the next wave of changes to immigration policies and procedures. I take care in using the phrase “the next wave of changes” on the premise that, on August 25, 2017, by way of a press statement, I indicated that employers are now required to “submit” police certificates to the Department. For the sake of clarity, and before I elaborate on the next wave of changes I wish to remind the Honourable Members of this House that the press release emphasised the following key points:

- the request for employers to submit police certificates applies to first-time residents only;
- employers should already have police certificates on record; and
- employers had one business day to submit police certificates for work permit applications which have already been submitted, but where a decision had not yet been made.

Mr. Speaker, the deadline for the submission of police certificates for work permit applications that had already been submitted to the Department, but for which no decision had been rendered, was set at August 28, 2017. This deadline was aggressive because the 2015 Work Permit Policies already mandated that employers had to obtain police certificates and keep them on record in the event that the Department of Immigration requested to review them.

Mr. Speaker, I am pleased to report that by August 30, 2017, the technical officers of the Department confirmed that they had already received an influx of police certificates, that inquiries by employers were minimal, and that employers who did contact the Department did so primarily to give assurance that

they would be submitting their police certificates or that they had already done so.

Mr. Speaker, I personally have received varied feedback with respect to the request that employers now need to submit police certificates. Some feedback suggested that a grace period should have been given. However, the quick actions by many employers suggest that the request has not at all been burdensome to employers—or to prospective first-time residents, for that matter. I hesitate to think that employers who have not yet submitted police certificates for work permit applications that are in process have provided false information in the application form for work permits and are therefore in breach of the Bermuda Immigration and Protection Act 1956.

Mr. Speaker, the submission of police certificates is a step in the right direction, particularly in consideration that, for the L. F. Wade International Airport Redevelopment Project, individuals (including Bermudians) are heavily scrutinised, and those with a criminal record are deemed the most unlikely to meet the security clearance and are prevented from working in certain areas. The point here is that an individual's criminal record is *directly* assessed by Bermuda Skyport Corporation Limited and its associates. It is therefore unfair that, for other organisations, criminal records are not directly assessed by the Department. It is unfair that non-Bermudians could enjoy an advantage over Bermudians by securing employment in Bermuda. So, the requirement to submit police certificates to the Department and allow for direct assessment by the Board of Immigration and technical officers applies to all employers and all job categories.

Mr. Speaker, I will now communicate four new changes that the Department is working on. First, the policy relating to musicians/entertainers is being enhanced to ensure that Bermudian musicians and entertainers are given fair opportunities for employment. The policy will

1. address the recruitment process for all forms of possible employment for non-Bermudian and Bermudian musicians/entertainers throughout Bermuda;
2. ensure advertisements are not tailor-made;
3. judiciously review work permit applications where one genre of music is appropriate for an occasion or event;
4. support tourism initiatives aligned with the Hotels Concession Act 2000; and finally,
5. mandate that Bermudian musicians/entertainers are included in all promotional campaigns with their non-Bermudian musicians/entertainers.

Mr. Speaker, the Bermuda Entertainment Union [BEU] will be actively involved in the new processes. In fact, all non-Bermudian musicians/entertainers will be required to maintain an active membership with the BEU by paying travellers' dues to the BEU before work permits will be granted.

Mr. Speaker, many Bermudians are either unemployed or underemployed. As such, the new process change that relates to statements of employment, which complement all work permit applications, will be in place. Just over two weeks ago, I met with the Board of Immigration and instructed that the members carefully assess statements of employment to determine whether employers are proposing to pay non-Bermudian workers less than the market rate. If this is the case, it means that employers are engaging in cheap labour practices and that Bermudians are unlikely to be offered employment and/or to accept employment even if offered. Where there is evidence of the market rate for job categories (i.e., with the Bermuda Industrial Union for certain blue-collar jobs), the Board of Immigration will benchmark the statements of employment against this or with the breadth of expertise amongst the members. And they will give input in the absence of evidence, and will determine whether, by way of the statements of employment, Bermudians are being disadvantaged.

Mr. Speaker, the closer scrutiny of statements of employment dovetails nicely to the third process change, which also deals with the work permit applications process. The third change specifically encompasses the recruitment process. In the first instance, the technical officers will be required to highlight Bermudian applicants for posts. As a carry-on from the actions by the technical officers, the Board of Immigration will, in the second instance, be required to carefully vet the qualifications of all Bermudian applicants against information provided in the recruitment disclosure section of the application form, the job advertisement, and each applicant's résumé, to determine whether the Bermudian applicants are suitably qualified. If Bermudian applicants are deemed to be suitably qualified and where they have not been interviewed, work permit applications will be refused. Also, where it is uncovered that employers have failed to disclose Bermudian applicants, the work permit will be refused, and where the work permit has already been approved and issued, consideration will be given to revoking it.

Mr. Speaker, employers must do right by Bermudians by giving Bermudians a fair chance at employment opportunities. It is not acceptable that Bermudians who meet all or most of the key requirements for jobs are dismissed without the courtesy of an interview. It is not acceptable that some employers will hide or fudge information just to hire non-Bermudians.

Mr. Speaker, I will also add that the Department relies on complaints from the general public. Given this, the internal review of the recruitment process is not the only means of uncovering whether employers are fairly considering Bermudians for jobs. Detailed complaints from the general public have never been frowned upon by the Department; this information gives weight to the internal process. I am

therefore encouraging the general public to work with the Department to stamp out unfair recruitment practices by employers.

Mr. Speaker, the last change is not specific to policy. Rather, it is a change relating to the processing of British Overseas Territory [BOTC] passports. As you are undoubtedly aware, the British Government introduced a new design for BOTC passports in 2016. With the new design, the BOTC (Bermuda) passports are not as easy to identify as they were prior to the change. (They are being confused with other BOTC passports which do require a visa—for example, to go to the United States.)

Mr. Speaker, Bermudians who hold BOTC (Bermuda) passports are being told by authorities of various countries that they need a US visa to enter the US; this applies to travel by air and sea. This issue, which came to the Ministry's attention in January of this year, is a result of the code GBR (because BMU is no longer included on the passport). With the new passport book design, passport books are held by the British Government because printing has been centralised in the UK. This has taken complete control of the process out the hands of Bermuda (and the other British Overseas Territories). Discussions with the British Government have not resulted in a resolution to address the issue with the code. To this end, the Ministry is working to return the full processing of these passports to Bermuda. Currently, the Department of Information and Digital Technology is preparing a Request for Information to ascertain costs.

Mr. Speaker, the next wave of changes communicated today are for the betterment of the economy, the betterment of businesses, and Bermudians. I am hopeful that the results with their intended aims will be positive. The Honourable Members of this House and the general public can expect further changes in Immigration policies and procedures in the coming months.

Thank you, Mr. Speaker.

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

The next Statement we have is from the Minister of Social Development and Sport, the Honourable Zane De Silva. Minister, you have the floor.

### **BERMUDA'S PARTICIPATION IN CARIFESTA XIII**

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

Mr. Speaker, "Asserting Our Culture, Celebrating Ourselves" was the theme of [CARIFESTA XIII](#) held in the host country of Barbados from the 18<sup>th</sup> to the 27<sup>th</sup> August 2017; and Bermuda's participation certainly captured that theme. Our 35-strong Bermuda contingent represented Bermuda in dance, music, gombey performance, crafts, literary arts, spoken word, visual arts, and the Symposium. Several films

produced by local filmmakers were also featured throughout CARIFESTA XIII.

Mr. Speaker, CARIFESTA is short for the "Caribbean Festival of the Arts." It is the premier roving, multidisciplinary mega arts festival that showcases the cultural expressions of artists from various countries of the Caribbean region, and was initiated in 1972 to celebrate the arts, foster a vision of Caribbean unity, provide a space for artistic discourse and exchange amongst cultural practitioners of the arts, and to positively advance Caribbean culture both regionally and internationally.

Mr. Speaker, our participants included 11 representatives from five gombey troupes—dancers Germiko Gardner, Zane Hendrickson, Bilal Binns, Vaughronde Joseph, Seion Darrell and Harley Place; drummers Zaniko Hendrickson, Showande Butterfield, Robert Wilson, Dennis Parsons and Earshun DeShields; six senior dancers from the United Dance Productions Junior Company, featuring Keiazia Burchall-Busby, Karina Forth, Shani Tucker, Zya Fraser, Zane Aberdeen and In'Dasia Showers-Reid, along with instructor, Ms. Suzette Harvey, who is the founder and Director of United Dance Production; solo dancer Rikkai Scott; seven members of the Wall Street Band, Mr. Speaker; vocalists Joy T. Barnum, Cindy Smith, Mitchell Trott, also known as Arijahknow Live Wires, and Keamon Woolaston, also known as KASE; three spoken-word artists; Banana doll maker, Ronnie Chameau; story teller and author, Florenz Webbe Maxwell; and visual artist and lecturer, Dr. Edwin Smith.

We also took artwork produced by Meredith Andrews, Robert Bassett, April Branco, James Cooper, Rhona Emmerson, Alan C. Smith, and Dr. Charles Zuill. Films produced by Lucinda Spurling, Andrew Stevenson, Kalilah Robinson, and Adrian Kawaley-Lathan were also showcased.

Mr. Speaker, our participants delighted audiences with the pulsating rhythms of our gombey dancers and drummers; the soulful yet powerful singing of our vocalists; and the exquisite, elegant, yet artful, and spectacular professional and creative movements of our dancers. The cacophony of sounds created by the Wall Street Band delighted, wowed and mesmerised the audiences wherever our participants performed. All of them performed brilliantly and masterfully. They collaborated with each other and developed showcases that were exceptional.

Mr. Speaker, although the opening ceremony was postponed until August 20<sup>th</sup>—due to the arrival of Tropical Storm Harvey on Friday morning—this in no way dampened the spirit or enthusiasm of the members of our contingent. Led off by our Bermuda Gombey Troupe, all of the participants, as well as Bermudian organisers and supporters, paraded through the streets of downtown Bridgetown, wearing T-shirts that were designed by local company, Bermunities, and arrived at Kensington Oval for the official start of CA-

RIFESTA XIII. The excitement was palpable, and the energy was exhilarating.

Mr. Speaker, there were several highlights experienced by our contingent, both collectively and individually. All of our participants were well received and performed regularly throughout CARIFESTA. Banana doll maker Ronnie Chameau gave daily workshops for adults and children, demonstrating the art of banana doll making. Our literary and spoken-word artists, Chris Astwood, Alan C. Smith, Florenz Webbe-Maxwell and Yesha Townshend, performed on stage at Barbados' Queen's Park Steel Shed, where they also had the opportunity to meet and interact with award-winning Caribbean literary giants such as Olive Senior and Edwidge Danticat.

Mr. Speaker, the Bermuda Gombeyes were in great demand throughout the entire festival and performed at various locations, including Bay Street Esplanade, the Grand Market, and at the famous *Oistins*. The Gombey Troupe also performed with our musicians, vocalists and dancers on many occasions—for example, Tuesday, August 22<sup>nd</sup>, was Bermuda's turn to showcase its talent at the Grand Market. On that occasion, two of our artists, Keamon Woolaston, whose stage name is Adum Reb, and Yesha Townsend, hosted and participated in the Bermuda show, which included performances from poet Alan C. Smith, dancer Rikkai Scott, United Dance Production dancers, vocalists Joy T. Barnum, Cindy Smith, Live Wires, the Wall Street Band under the direction of Mr. Robert Edwards, and a finale featuring, of course, our Bermuda Gombey Troupe.

Mr. Speaker, this Bermuda showcase was replicated on Thursday night at the Bay Street Esplanade. Our Bermudian performing artists again treated the crowds with brilliant, well-choreographed and energetic demonstrations of their exceptional talents. They were very well received, and the DJ publicly stated that he did not want the Bermuda show to end. However, later that same evening, our Gombeyes had to perform yet again at another venue.

Mr. Speaker, our dancers, Wall Street Band musicians, and the vocalists, as well as the Gombeyes, performed at several high schools throughout Barbados, such as the Combermere and the Foundation. Our dancers also had the privilege of performing at the Frank Collymore Hall—a first-class purpose-built performing arts facility.

Mr. Speaker, some of our members also made presentations during the Symposia. Alan C. Smith and Folklife Officer, Dr. Kim Dismont Robinson, made presentations on visual arts and culture, respectively. Visual artist, Dr. Edwin Smith, provided commentary every day about the Bermudian artwork that was being exhibited at the Barbados Community College. Dr. Smith also gave a presentation, giving an historical context of Bermudian art and its development. These presenters were all well received.

Mr. Speaker, Bermuda had a country booth, which displayed beautiful cedar bowls created at Jeremy Johnson's Craft Shop; cedar friendship goblets and cedar trinket boxes crafted by Llewellyn Emery; two beautiful lady's palmetto hats designed and made by Donna Pink; a cedar fitted dinghy crafted by Milton Hill, including cedar sails; Y'Art depicting fauna found in Bermuda, created by Stratton Hatfield; and gombey dolls made by Nahtasha Smith and Barbara Fubler. We were also provided with samples of locally made perfume by Lili Bermuda. The three sides of our booth displayed a digital image of a Bermuda house, displaying Bermuda's architecture, designed by Stephan Johnstone. Michael and Ann Spurling gave the Department permission to use the digital image that featured their lovely home, Red Barracks. We are grateful to them for allowing us to use this image of their beautiful home. Bermuda's country booth also doubled as our information desk and was manned daily by our officers and some participants when they were not performing. This country booth, located in the Grand Market with the other country booths, provided many opportunities to engage with multitudes of people, share stories, develop and foster relationships, and promote Bermuda and her people.

Mr. Speaker, Bermuda also had representation in the CARIFESTA Bookstore. There were a few copies of books by some of our local authors, such as Nadia Aguiar, Florenz Webbe Maxwell and Dr. Edwin Smith, on Bermuda's bookshelf, that were available for purchase. Also, the Department placed on that bookshelf copies of books that the Department has published, such as *One Little Paw Paw*, *The Spirit Baby and Other Folktales*, *400 Years: 400 Portraits*; and DVDs produced by the Department, such as *Dinghy Racing*, *Shipwrecks*, *Medicinal Uses of Plants*, and others.

Mr. Speaker, another highlight was Bermuda's participation in the closing ceremony, also held at Kensington Oval. I would like to point out that not all participating countries are invited to perform during the closing ceremony; however, Bermuda was invited to have our soloist, Cindy Smith, perform, and she was backed by The Wall Street Band and the other two vocalists. Bermuda's Live Wires was also part of that presentation. Bermuda's Gombeyes were also invited to perform and did a collaborative piece with the Masqueraders from St. Kitts. Our very talented Bermudians performed before a packed audience at Kensington Oval. It was a moment when we felt exhilaration and excitement, as well as the pride of being Bermudians!

Mr. Speaker, the benefits of our participation in CARIFESTA XIII are many. It provided our artists with exposure. For example, as a result of her participation, Mrs. Florenz Webbe Maxwell has been invited to visit other countries as a storyteller and share with her audiences about her most recent publication, *Girlicott*. Another example of the benefit of exposure is

seen in the invitation that was extended to our Gombeyes to participate in the 10<sup>th</sup> Biennial Caribbean Secondary School's Drama Festival that was to take place from November 26<sup>th</sup> to December 2<sup>nd</sup> of this year in Antigua and Barbuda. Needless to say, Mr. Speaker, that event will not now take place. Our prayers are extended to the people of those islands, as well as the other places, that experienced such horrific destruction as a result of Hurricane Irma's deadly blow.

Mr. Speaker, all of our participants were so grateful for this opportunity to perform on the international stage and represent Bermuda. They acknowledged that such participation helped empower them and further develop their skills and expertise. Moreover, those who participated are keen to share what they have learned to help nurture and develop others. This is crucial to capacity-building.

Mr. Speaker, I am so proud of our participants, their performances, and the collaborations that developed amongst themselves. They represented Bermuda well! On behalf of the Bermuda Government, again I say to them publicly, thank you very much for so beautifully and artfully representing Bermuda on the international stage!

Mr. Speaker, in order to demonstrate this Government's appreciation for the superb way that our participants represented Bermuda and Bermudian culture at CARIFESTA XIII, the Honourable Premier will host a reception for all participants tonight at Camden.

Mr. Speaker, in closing, I would like to extend my appreciation to the officers of the Department of Community and Cultural Affairs who worked relentlessly and with such enthusiasm and energy and commitment for many months in order to develop and implement the audition process, acquire and prepare all of the documentation required by the host country of Barbados, attend to all of the logistical arrangements for the contingent of 35 people, develop policies and procedures, and attend to myriad amounts of details necessary for a project of such magnitude.

Mr. Speaker, I think it only fitting that I publicly thank those officers who worked so conscientiously and strategically. They are as follows: Mrs. Heather Whalen, Director of Community and Cultural Affairs, and Head of the Delegation; Dr. Kim Dismont Robinson, Folklife Officer and Deputy Head of the Delegation; Ms. Carlita Lodge, Cultural Affairs Programme Manager and officer responsible for communications for the delegation; Mr. Graham Mawer, Cultural Liaison and Development Officer; and Ms. Clyde-A-Mae Tucker, Event and Programme Coordinator. This team did exceptional work, Mr. Speaker, and I am grateful to them for their diligence, persistence, and perseverance. Thank you.

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

The next Statement on the Order Paper is that from the Minister of National Security, the Honourable Minister Caines. Minister, you have the floor.

### GRANTS FROM THE CONFISCATED ASSETS FUND

**Hon. Wayne Caines:** Mr. Speaker, the Honourable Members and the public will recall that the amendments of 2013 to the Proceeds of Crime Act, with the bipartisan support of this Honourable House, gave rise to the scheme of grants under the previous Administration known as the "Cash Back for Communities." Quite simply, Mr. Speaker, community organisations received grants from the proceeds of crimes and, more specifically, from the [Confiscated Assets Fund](#).

Since my appointment as Minister of National Security, I have been presented with a number of requests from various charities—requests for funds that were sought through the previous Ministers to be disbursed from the Confiscated Assets Fund [CAF].

Mr. Speaker, I have now responded in writing to the individual entities that have contacted the Ministry requesting that the undertakings given by the previous administration be honoured. Regrettably, Mr. Speaker, I have been advised that these worthy organisations that were promised grants cannot be provided those grants from the Fund at this time.

Mr. Speaker, upon my appointment and on making the necessary inquiries from the Ministries of Finance and Legal Affairs, I found that the Confiscated Assets Fund was substantially depleted prior to my taking office, and insufficient funds remain to do so. I am advised that the majority of the funds that were available for the previous grants of this kind were devoted to another purpose permitted under the Act, namely, to meet the expenses of the National Anti-Money Laundering Committee.

In light of the state of the Fund presently, I must advise this Honourable House and the public that a moratorium on such grants of the funds is necessary at this time to permit them to be sufficiently replenished. Given the nature of how these funds are obtained, the timeline for replenishment of this Fund is indeed unpredictable.

Mr. Speaker, for the information of this Honourable House, it is important to note that payments from the Fund are, in fact, the purview of my colleagues—the Minister responsible for Justice (who sits in another place) and the Honourable Premier, the Minister of Finance—only. Therefore, neither do I nor does the former Minister of National Security have the authority to disperse any of these funds. The Ministry of National Security appears to have been engaged as the "middleman" in considering, commending, and authorising the requests for grant for the relevant Ministers.

Mr. Speaker, any misunderstanding in this matter is regrettable. Community organisations will continue to benefit from grants under this legislative provision once the Fund is replenished. This Government will aim to disburse funds in keeping with the spirit and intent of the law. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister. Minister, I also understand you have a second Statement. You can continue with that one now.

### ROYAL BERMUDA REGIMENT AND BERMUDA POLICE SUPPORT RELIEF EFFORTS IN THE CARIBBEAN

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

Mr. Speaker, I am immensely proud to advise this Honourable House that a contingent of 30 men and women from the [Royal Bermuda Regiment](#) and six members of the Bermuda Police Service will now be deployed this morning to support the UK's efforts in the Caribbean Overseas Territories devastated by Hurricane Irma.

*[Desk thumping]*

**Hon. Wayne Caines:** Mr. Speaker, the contingent's travel arrangements are for a direct deployment via UK military transport airlift to the Turks and Caicos Islands. The Bermuda Police Service are expected to move onward to the British Virgin Islands, where they will join the UK and Cayman Islands police already supporting law enforcement in that island. The Royal Bermuda Regiment soldiers will be [embedded] with the 24 Commando Engineer Group, where they will put their specialist Hurricane response skills to the best use.

Mr. Speaker, these teams from our security services have mobilised quickly and have answered a call to serve beyond these shores in what will be considered trying circumstances. Bermuda has a history of helping our regional partners, and this Government is extremely proud of our young men and women in this effort. The training and time invested in these young men and women have proven worthwhile. I have every confidence they will represent our country to the best of their abilities and will significantly contribute to the humanitarian effort required to support these areas recently impacted by the storms.

This is the seventh time that the Bermuda Regiment has been called upon to assist our brothers and sisters in the Caribbean in disasters, namely, being deployed to the Turks and Caicos in 2008, Grenada in 2005, and the [Cayman Islands] in 2004. [On the 2004] Cayman operation, the BPS also sent 12 officers who spent fifteen days there in the wake of Hurricane Ivan.

Mr. Speaker, I can advise this Honourable House that neither deployment will adversely affect

the operational readiness of the Royal Bermuda Regiment or the Bermuda Police Service here in Bermuda. On this occasion, the Bermuda contingent will join the UK effort, including over 700 troops and 50 police officers who are there to support the islands' recovery from the devastating effects of Hurricane Irma.

Mr. Speaker, this is a call for aid, and our country could not go without helping. Bermudians in every walk of life can trace the common West Indian heritage. And our brothers and sisters are in need, and it is a right that we have to heed their call for assistance and send them the very best that we have to offer.

This Bermuda contingent goes with our prayers, our support, and we request their safety and a speedy recovery to our brothers and sisters in the islands that have been so tragically impacted by this hurricane.

Mr. Speaker, thank you.

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

The next Statement we have is that of the Minister of Education and Workforce Development. Minister Rabain, you have the floor.

### UPDATE ON THE BOARD OF EDUCATION'S STRATEGIC PLANNING PROCESS

**Hon. Diallo V. S. Rabain:** Good morning, Mr. Speaker. And good morning to our honourable colleagues; welcome back after our recess.

Mr. Speaker, this morning I am pleased to share with my honourable colleagues an update on the strategic planning process that is being undertaken by the [Board of Education](#) to develop a community-based and community-owned strategic plan for the Bermuda public school system. Last week, in the 2017 Speech from the Throne, Mr. Speaker, the general public were reminded that the intent of this strategic planning effort is to transform the quality of public education.

Mr. Speaker, Honourable Members of this House will recall that the strategic planning process indeed commenced under the former administration. And this morning we certainly acknowledge the work that has already been put in place to progress this critically important initiative.

Mr. Speaker, let me briefly recap this work for my honourable colleagues, as we have had a long summer (and for this Government, Mr. Speaker, a quite successful summer). Nevertheless, the intent of the strategic planning process was to implement authentic community engagement that is truly hearing the voices of the community on the future of public school education in Bermuda.

Mr. Speaker, having been involved in some of the meetings and informational sessions, I can attest that at each session the opportunity was there for the community voice to be heard. In summary, the



strategic planning process comprised three phases that included:

1. the administering of a national education survey;
2. hosting of several community conversations across the Island; and
- 3.(i) establishing a strategic planning prototype for public feedback; and  
(ii) creating a website, [www.educatebermuda.com](http://www.educatebermuda.com), to share all information about the public education strategic planning process.

Mr. Speaker, the feedback received from the community in response to the survey and community conversations provided sound, qualitative and quantitative data for the Ambassador Design and the Strategy Review teams to develop and assign five strategic plan prototypes. Each prototype was then shared with the general public for further feedback to reflect transparency and inclusivity for additional ideas.

Mr. Speaker, the participation and response has been broad-based and noteworthy. I deem it imperative to share the wide-ranging groups of organisations that were represented and who will provide their input, and who provided their input, to support the process. These included:

- the Board of Education;
- the Bermuda Union of Teachers;
- the Bermuda Public Service Union;
- school principals, preschool administrators, school support staff, custodians, PTAs and students;
- Bermuda College faculty and students, staff in the government departments, various business organisations;
- private school leaders, both political parties;
- churches, sporting clubs and social groups.

Mr. Speaker, it is important that we celebrate the diversity of participation by these organisations and stakeholder groups. The internal and external engagement level is significantly higher when compared to the development of the previous Strategic Plan in 2010. This is truly indicative of the community's desire to not only improve public school education, but also to ensure a school environment that will foster and enhance quality learning for the success of our children and Bermuda's future.

Mr. Speaker, the Board of Education is now in the last phase of the strategic planning process. As such, all key stakeholder groups will once again be engaged in the process to provide final input and feedback into the draft plan. Since each prototype was developed and framed based on direct feedback and suggestions from the broad community, the content of the draft strategic plan will be no surprise. At this point the community has agreed in principle to five priority areas of focus that will structure public school education for the next five years—2017 to 2022. These are:

1. increasing academic rigour and student engagement;
2. ensuring career, college, and workforce readiness;
3. enhancing the quality of teacher practice and principal leadership;
4. improving infrastructure and instructional resources; and
5. ensuring system success.

Each priority area will include components covering action tasks, key outcomes and strategy for implementation.

However, Mr. Speaker, we value and want everyone's input. Therefore, as we promised in the 2017 Speech from the Throne, the Department of Education will host three town hall, or community engagement sessions, commencing next week. Members of the general public who have not yet had an opportunity to give feedback on any of the prototypes are encouraged to take advantage of these three community engagement sessions that will be held Wednesday, September 20<sup>th</sup>, at St. George's Prep; Thursday, September 21<sup>st</sup>, at Port Royal Primary; and Monday, September 25<sup>th</sup>, at CedarBridge Academy cafeteria. All community sessions will start promptly at 6:00 pm and end at 7:15 pm. The draft strategic plan will be available for review in advance on the Ministry's two websites: [www.moed.bm](http://www.moed.bm) and [www.educatebermuda.com](http://www.educatebermuda.com).

Mr. Speaker, in closing, I would like to specifically thank the members of the Ambassador Design Team and the Strategic Review Team, who committed and sacrificed their time during the evenings and weekends to review the community input and formulate the five strategic plan prototypes. This was not an easy task, but it was so pleasing that there was so much talent on these two teams. Educators, parents, police officers, retirees, students, business leaders, lawyers, other business professionals and community leaders all joined together to add their measure for the delivery of their draft strategic plan. These teams displayed authentic synergy that truly reflects the leadership principle that the whole is greater than the sum of its parts, and support the intent of this strategic plan being developed by Bermudians for Bermudians.

Mr. Speaker, this Government is committed to making public education a priority, and we will continue to put our children and their future first. Thank you, Mr. Speaker.

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

Now, that was actually the last Statement that was listed on today's orders. But we have another Statement from a Minister who asked to seek the indulgence of the House, Minister of Works.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, good morning. I rise—

**The Speaker:** Please, please. Seek the indulgence of your colleagues first; being that it was not on the Order Paper.

**Lt. Col. Hon. David A. Burch:** I thought I had your indulgence, Mr. Speaker.

*[Laughter and inaudible interjections]*

**The Speaker:** Seek the indulgence . . .

**Lt. Col. Hon. David A. Burch:** It is your House, is it not?

**The Speaker:** Seek the indulgence of your colleagues.

**Lt. Col. Hon. David A. Burch:** I seek the indulgence of my colleagues.

**The Speaker:** I gather that your colleagues approve?

**Some Hon. Members:** Yes, yes.

**The Speaker:** Continue on, Minister.

#### BERMUDA LAND DEVELOPMENT COMPANY LIMITED

**Lt. Col. Hon. David A. Burch:** Thank you, Mr. Speaker, and thank you, colleagues.

I rise today to inform Members of this House and the public about the state of affairs that was discovered at the [Bermuda Land Development Company Limited \[BLDC\]](#) upon assuming office.

Mr. Speaker, this is a part of my duty that I do not enjoy, but as you will be aware, all government departments and entities must report to this House, whether through their Ministers or by the tabling of annual audited financial statements. In fact, it is our responsibility as Ministers to report to this place.

Mr. Speaker, because this House has oversight of all government expenditure and because the then-Government was so *gung-ho* on following every item of previous Government expenditure, I was more than a little surprised to discover that, under their watch, there is a government entity that has not met the requirements of the Companies Act 1981.

The entity about which I speak is the Bermuda Land Development Company [the Company, or BLDC]. The Company, I have been informed, has audited financials for the year 2011, but these financials have not been submitted because there has been no Annual General Meeting [AGM] since 2011.

Mr. Speaker, you will know that there are two shareholders of the Company, the Ministers of Finance and Public Works, and I can report that the share transfer from the former Ministers to the current ones went smoothly. Sadly, that is all that has gone smoothly.

The last audited accounts tabled at an AGM are the audited accounts for the year ending March 31<sup>st</sup>, 2009. The auditing of the 2010 and 2011 accounts have only recently been completed by the Office of the Auditor General. Management of the BLDC has, since 2011, requested the auditing process be sped up, even offering to pay additional costs to have the audits outsourced, without success.

To be clear, Mr. Speaker, this Statement is in no way criticism of the board or staff of the BLDC—who, in the face of complete irresponsibility by their shareholders, tried as best they could to comply with the law.

Mr. Speaker, upon learning of this situation—in consultation with the other shareholder, the Minister of Finance—we inquired of the remedy to this situation and were advised that a sanction is required from the Registrar of Companies for those years in which there are no audited financial statements.

Such a sanction was applied for, and the Registrar of Companies saw fit, on August 24<sup>th</sup>, 2017, to confer such an order—contingent upon the said general meeting being held and a copy of the Minutes being filed with the Registrar within three months. I do not know what the Registrar of Companies thinks of this matter, but I do know that the oversight provided by the then-Government was not oversight at all.

Mr. Speaker, I can confirm that the current shareholders will, with a sense of urgency, take the necessary steps to bring the company fully in compliance with the Companies Act, in accordance with the sanction granted from the Registrar of Companies.

Mr. Speaker, this is a serious breach of financial regulations, and I am astounded by the lack of oversight by the previous shareholders. But, Mr. Speaker, I am equally astounded at the inaction of the Office of the Auditor General, who many will recall quite doggedly went after this Party when we were previously in Government, but have acted doubly reckless in this regard by not conducting audits over five years and then, incredibly, refusing to allow the Company to seek redress from an outside auditing firm. I trust the Parliamentary Oversight Committee of this office will conduct a full investigation.

Thank you, Mr. Speaker.

*[Desk thumping]*

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

That concludes the Statements by Ministers.  
Madam Clerk.

#### REPORTS OF COMMITTEES

**The Speaker:** There are none.

#### QUESTION PERIOD

**The Speaker:** Before we go to Question Period, let me just state, for our new Members particularly, that Question Period and the Congratulatory and/or Obituary Speeches will not be taken as maiden speeches. So if there are any new Members who wish to speak on the Question Period or on the congratulations and obituaries, this is not considered as your maiden speech, so you can participate.

As we start the Question Period, to remind the floor Members, the time period is one hour—60 minutes. And we are now starting at 11:13. The order for this is that we are going to take the questions in sequence of the Statements that were written. So those Members who have questions for the Premier's Statement can now address that. And the first Member who sought my permission for a question is the Member, Dr. Gibbons.

Dr. Gibbons, you have the floor.

### QUESTION 1: SUPPLEMENTARY ESTIMATE (NO. 1) 2017/18

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker. This is a question, as you noted, on the Statement of Supplementary Estimates, to the Premier.

Is the Honourable Member aware that, following the AC [America's Cup] events in July, due to responsible budgeting and careful cost control, the ACBDA has projected a cash surplus for the rest of the year that will more than cover the \$4.3 million difference between the final AC sponsorship guarantee amount and the original budgeted amount of \$15 million?

**The Speaker:** Premier.

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

In regard to the question, Mr. Speaker, I would only ask if the Honourable Member is aware that section 96(3) of the Bermuda Constitution Order states, and I quote, "If in respect of any financial year it is found . . . that the amount appropriated by the Appropriation law to any purpose is insufficient or that a need has arisen for expenditure for a purpose to which no amount has been appropriated by that law . . ." a supplementary estimate is required.

We are following the law, and we do not wish to break the law.

*[Desk thumping]*

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

Dr. Gibbons, Honourable Member.

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

**The Speaker:** Yes.

## SUPPLEMENTARIES

**Hon. Dr. E. Grant Gibbons:** Does the Honourable Member understand that this ACBDA cash surplus means that, despite his media claims to the contrary, no additional taxpayer monies will need to be spent and that the overall ACBDA and Ministry of Economic budget will come in under budget for the event?

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, it is amazing the amount of information that a former Minister of Government has. And it seems though, if the systems are working, they are alive and well. But what the Minister may not know is that just yesterday in the Ministry of Finance I had to find an additional \$1 million because of an increase in interest to pay for the \$40 million empty island that was paid for by the former Government. So there are many things that continue to come up.

What I will tell the Minister—I am sorry, the former Minister—is very clear. The Constitution states what is required for a supplementary estimate. The tabling of the supplementary estimate is there. And we do not know what may come in the future, but we do know what we are already finding.

*[Desk thumping]*

**The Speaker:** Dr. Gibbons, is it a supplementary or a new question?

**Hon. Dr. E. Grant Gibbons:** Yes, thank you, Mr. Speaker; supplementary.

**The Speaker:** All right.

**Hon. Dr. E. Grant Gibbons:** Is the Honourable Member aware that calculations for the final AC sponsorship guarantee were complicated by a variety of revenues, including rentals, ticket sales, and performance factors on some of the sponsorships, that would only be known following the finals, and that it would have been impossible in January, when the budget was written, to precisely estimate these amounts?

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, what I am aware of is that that Minister, or that former Minister, was told by the ACBDA to budget \$18 million, at a minimum, for the guarantee. That is what we have found. He can say whatever is necessary insofar as to estimate. But the Government was told to budget \$18 million. They under budgeted, for whatever reason, and now our bill is \$19.3 million, Mr. Speaker.

**The Speaker:** Dr. Gibbons.

**Hon. Dr. E. Grant Gibbons:** Yes.

**The Speaker:** This would have to be a new question, because you used your two supplementaries.

**QUESTION 2: SUPPLEMENTARY ESTIMATE  
(NO. 1) 2017/18**

**Hon. Dr. E. Grant Gibbons:** Yes, a new question. Thank you. Thank you.

Apart from the Honourable Member's implication that there has been improper transfer of information, there was actually an ACBDA board meeting in July, which I attended.

So, with respect to the Statement on budgeting, is the Honourable Member fully aware of the judgment calls that were required in stating or essentially developing a budget for this? And is the Honourable Member aware that the budgeted amount of \$15 million was fully discussed with the Ministry of Finance officials, and they were quite comfortable with the \$15 million amount at that time, given the complexity of the calculations involved and the fact that additional information would only come following the actual events in June?

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, I am reminded of an old adage. When you are in the hole, you should probably stop digging.

What is very clear, Mr. Speaker, is that the former Government was told by the ACBDA that they should budget at least \$18 million. That is what they were told. They decided to only budget \$15 million. We understand the reasons why. And what has happened is that we are ending up having to pay \$19.3 million. Those are the guarantees.

So whatever the Minister wants to say, he can go ahead and say it. These are the facts, and the people will have to pay this amount.

*[Inaudible interjections]*

**An Hon. Member:** Former Minister.

**The Speaker:** The Honourable Member Gibbons, a supplementary?

**Hon. Dr. E. Grant Gibbons:** Yes.

**The Speaker:** Go ahead.

**SUPPLEMENTARIES**

**Hon. Dr. E. Grant Gibbons:** Does the Honourable Premier understand that, in developing a budgeted amount, there are more issues—

**Hon. Zane J. S. De Silva:** Point of order, Mr. Speaker.

**The Clerk:** What is the point of order?

**Hon. Zane J. S. De Silva:** The Honourable Member is asking if the Premier understands?

**The Speaker:** Wait, wait—

**Hon. Zane J. S. De Silva:** What kind . . . you know?

**The Clerk:** That is not a point of order.

**The Speaker:** The next Honourable Member who rises for a point of order, please do not proceed until you have been recognised by this Speaker. Thank you.

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

**The Speaker:** Honourable Member Gibbons, continue.

**Hon. Dr. E. Grant Gibbons:** I will repeat it.

Would the Honourable Member concede that there are more issues involved in getting a budgeted amount than simply getting a recommendation from one part of the overall ACBDA and Ministry group, and that certainly discussions would normally be held with the Ministry of Finance to discuss an overall number?

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, no matter how many times he asks the question, and no matter how many times he wishes to try to get me to understand . . . I understand very clearly, as the Minister of Finance and the one who was responsible for having to find the \$19.3 million that has to be paid for this sponsorship guarantee.

Now, that former Minister negotiated this deal, and that former Minister said, at many points and times, that this thing . . . and we will find the sponsorship to cover it. Well, guess what? It was \$25 million, and I think it speaks to, one would say, the short-sightedness, or maybe the over-optimistic projection of the former Government that this sailing race would be able to blur all the sponsorship. But guess what? The people are stuck with the bill. So while we have schools that have challenges, while we have departments and Ministries that have not had their audit, while we have buses that cannot run—

*[Desk thumping]*

**Hon. E. David Burt:** —I have to find the \$19.3 million.

*[Desk thumping]*

**Hon. E. David Burt:** We will clean up their mess, Mr. Speaker, and you can ask—

**The Speaker:** Excuse me one sec, Minister.

**Hon. E. David Burt:** —as many points in time as you like.

**The Speaker:** One sec, Minister.

Members in the Gallery, you will be escorted out of this Chamber if you do not respect the Chamber that you are in. Members in the Gallery are to be quiet at all times and not participate in any of the proceedings that take place in this Chamber.

We ask you to respect that, or you will have to leave the Chamber. Thank you.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** Whilst on my feet, let me also recognise one of our former Members who is sitting in the Gallery today, the Honourable Walter Lister. Nice to have you visit with us, Member.

*[Desk thumping and applause]*

**The Speaker:** Do not clap in the Gallery, please. That was not an invitation for you to clap.

*[Laughter]*

**The Speaker:** Please do not participate. Thank you. Member Gibbons, do you have a supplementary?

*[Question Period continuing]*

**Hon. Dr. E. Grant Gibbons:** Yes, thank you, Mr. Speaker. Yes, I do.

The issue, the next one I want to raise a question on comes after the fact that there was no promise ever to cover the full \$25 million; the Honourable Member knows that.

So the question is, Would the Honourable Member concede that his Statement about AC budgeting was really politics and grandstanding at its best, knowing full well there was more than sufficient cash available within the ACB to cover the difference in budget for the sponsorship guarantee?

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, as I said, when you are in a hole, you should stop digging. As many know, it does not matter how many times this Honourable former Minister—and I say “former Minister” because

he should recognise what happened on July 18<sup>th</sup>, that people did not endorse the vision, the policies, and the spending plans of the former Government, and that is why we are here.

*[Desk thumping]*

**Hon. E. David Burt:** But the fact is that if he calls it “political grandstanding” to tell the people the truth, if he calls it political grandstanding to let people know that the sailing race which he engineered was unable to meet the expectations, and the people of this country are on the hook for the \$19.3 million, then I will continue to stand up at this dispatch box every single day and tell the truth and continue to, as you call it, Minister, *grandstand*. We are going to tell the people of this country what has been done. We will execute our agenda, Mr. Speaker. And we will absolutely make no apologies for it. On July 18<sup>th</sup>, the people rendered their verdict, and today we told them how much that verdict has cost them.

*[Desk thumping]*

**The Speaker:** Thank you.  
Do you have a supplementary?

**Hon. Wayne L. Furbert:** Yes, Mr. Speaker.

**The Speaker:** Supplementary?

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker—

**The Speaker:** The Honourable Member Furbert, from Hamilton Parish, you can continue.

### SUPPLEMENTARY

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask the Premier, based on the \$18 million that was told by the ACBDA that the budget would be, and they only budgeted for \$15 million, does it mean that the Government fuzzed its numbers in the budget in 2012 *[sic]*?

**An Hon. Member:** 2017.

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, I thank the Honourable Member for his question. And he asked, if the former Government was given a figure that they should have put in the budget and they put a lower figure, were they fuzzing the numbers? And I think that the evidence is very clear that, yes, the former Government was fuzzing the numbers and fuzzing the budget.

**The Speaker:** Thank you, Mr. Premier.  
No further supplementaries?

Supplementary?

**An Hon. Member:** No.

**The Speaker:** Okay. Well, I am going with Honourable Member Weeks as the second person who wanted to ask a question of you, Premier.

Mr. Weeks, continue on.

**QUESTION 1: SUPPLEMENTARY ESTIMATE  
(NO. 1) 2017/18**

**Mr. Michael A. Weeks:** Thank you, Mr. Speaker. Good morning to you.

Mr. Speaker, can the Honourable Premier please advise the Honourable House and the properly listening public if there are any other unexpected expenses from the America's Cup which you have found, which may not be captured in this supplementary?

**The Speaker:** Mr. Premier, go ahead. I will allow it.

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

What I would note, and I thank the Honourable Member for his question . . . what I would note is, I think I mentioned it earlier today, that yesterday we had to sign off on an additional \$1 million to cover the loan for WEDCO. And Members may not be aware, Mr. Speaker, that the loan for that island is underwritten completely by the Government of Bermuda, and we have to pay interest. It was an interest-only loan. And come next year, we will have to pay \$500,000 a month to cover the loan, and we have to make a balloon payment of \$26 million in five years to cover the cost of what is now an empty island. So, additional expenses happen. The interest rates went up. And now we have to find additional money to pay for the \$40 million empty island.

So that is not something that is captured inside of this supplemental. That is something that we will move the money around for. But there are many things that we are finding each and every single day which were commitments that were made by the former Government.

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

But let me remind Members, when you are asking your questions, try and keep them to the Statement that was read. I allowed a little leeway on that one. When you got up, Member Weeks, you indicated that it was outside of the Statement. I gave you a little leeway because the Minister had gone broad in some of his response to the supplementaries from the Member Gibbons.

So just remember to keep your questions in regard to what was contained in the Statements.

The next Member who indicated that he wanted to ask a question of the Minister on this particular Statement is the Deputy Speaker.

Mr. Burgess, would you like to still ask your question?

**Hon. Derrick V. Burgess, Sr.:** I will defer . . .

**The Speaker:** Okay. The next Member is our Member from Warwick [South East], the Honourable Lawrence Scott. Mr. Scott, would you like to ask your question?

**QUESTION 1: SUPPLEMENTARY ESTIMATE  
(NO. 1) 2017/18**

**Mr. W. Lawrence Scott:** Yes, Mr. Speaker. I am a little disturbed at what I heard in the Statement, and I just want to get some confirmation.

The last Parliament, we were told by the former Government that we would not have to pay rent to Aecon. The Premier is now telling us that we need to pay rent if the post office does not move. Can the Premier please confirm that the former administration misled the people of Bermuda?

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, I thank the Honourable Member for his question, and he is absolutely right that the former Government misled this Parliament and misled the people of this country. Because the former Minister of Works was asked, very simply, whether or not we would have to pay rent or any penalty to Aecon, and the former Minister said no. Well, guess what? The people of this country, on July 18<sup>th</sup>, said no to their misleading statements, and today the truth is that if we do not move out of the airmail facility at the airport, we will have to pay a penalty to Aecon of \$600,000, and we will have to start paying them rent. That is the contract the former Government negotiated. And the misleading statements from the former Minister should be recorded for the record, Mr. Speaker.

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

Any supplementaries?

No supplementaries. The next Member who indicated he had a question on this Statement would be the Honourable Minister Furbert. Member Furbert, do you still have a question?

**Hon. Wayne L. Furbert:** It was asked already . . .

**The Speaker:** He asked it as a supplementary; okay. Minister Weeks . . . Member Weeks, rather, you had gone down earlier as an indication; you asked yours as a supplementary?

**Mr. Michael A. Weeks:** No. I asked mine as a question.

**The Speaker:** As a question. You are fine.  
The Honourable Member Commissioning.

**QUESTION 1: SUPPLEMENTARY ESTIMATE  
(NO. 1) 2017/18**

**Mr. Rolfe Commissioning:** Thank you, Mr. Speaker.  
It appears that the America's Cup not only failed politically, but also commercially.

But just segueing to the issue of the airport and Aecon, in the Premier's Statement he talks about the redevelopment of the airport. And the anticipated supplementary shows that taxpayers will need to pay a quarter of a million dollars for the weather radar at the airport. Since the former Government gave all of our airport revenue to Aecon, \$50 million this year alone, can the Honourable Premier please tell this Honourable House why Aecon is not paying this quarter-million-dollar expense?

**The Speaker:** Premier.

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

Mr. Speaker, it will come . . . and I thank the Honourable Member for his question, and it will come as, it would seem, a recurring theme that the people are having to pay for the missteps of the former Government. And so in this particular case, when we have the Canadian Company, which is gaining revenue of \$50 million this year, in the infinite wisdom of the former Government, they decided that the current Government, or the Government of Bermuda, would retain the expenses for the airport.

So, what would typically happen is if a weather radar broke, there would be money in the Department of Airport Operations to pay to fix that weather radar. But now we do not have that money. And so, we have to find that money from somewhere else, because all of that money is being given to Aecon. So the Honourable Member is correct. We gave away \$50 million, and we retained \$50 million in expenses. So we are going to have to fix the weather radar out of our own money and not out of the money that the former Government gave away to Aecon.

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

Any supplementaries?

No supplementaries. The next Member who had indicated that she had questions on this Statement is the Honourable Member, J. J. Atherden.

*[Pause]*

**The Speaker:** Put your microphone on, please.

**QUESTION 1: SUPPLEMENTARY ESTIMATE  
(NO. 1) 2017/18**

**Mrs. Jeanne J. Atherden:** Mr. Speaker, this question is, obviously, to the Minister of Finance and the Premier.

In the Statement you indicated that, although it is customary to have supplementary estimates put before the legislature just prior to the conclusion of a fiscal year, you determined that, because there was a change in government, it was prudent to table the supplementary estimate at this time in order to highlight the supplementary estimates that were the responsibility of the former Government. I would like to ask the Finance Minister/Premier whether, in February 2013, this was a practice that was applied.

**The Speaker:** Minister, Premier, you are on your feet so I will allow you to go ahead and continue. Go ahead.

**Hon. E. David Burt:** Mr. Speaker, if you do not want me to answer the question, that is fine.

**The Speaker:** I was just wondering if it was outside of the Statement that was written. But you are on your feet; continue, then.

**Hon. E. David Burt:** All I would say, Mr. Speaker, is that I do believe that there was different timing that took place. And I do believe that one of the first speeches that the former Government made to this House was on their own budget. And I think at that point in time there were many things that were said about the former budget at that time. But what I would just like to state for the Honourable Member is that this Government will be transparent. And we felt it important that the people of this country know what unfunded commitments were made by the former Government that their taxpayer dollars would have to pay for.

**The Speaker:** Thank you, Premier.  
Do you have a supplementary?

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** Supplementary. We recognise the Leader of the Opposition, Ms. Gordon-Pamplin. You have the floor.

**SUPPLEMENTARY**

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

Mr. Speaker, I just wonder if the Premier and Finance Minister would be prepared to confirm that the initial accounting respecting the event of the

America's Cup would not have occurred until the House was actually in recess; hence, there would have been no possibility to table a supplementary?

**The Speaker:** Premier.

**Hon. E. David Burt:** I am certain I am not actually following what the Minister is saying. But I will attempt to answer it. If the Minister is saying because we had an election that there was no ability to table a supplementary, that is fine. I think what the key point here is, Mr. Speaker, and what I want you to understand, and the Members to understand, and the listening public to understand is that the former Government was told that at a minimum they should budget \$18 million for that expense. And they only budgeted \$15 million. And the bill came in at \$19.3 million. Those are the facts, Mr. Speaker, and I cannot make it any clearer.

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

Ms. Atherden, is this a supplementary for your original, or a second question?

**Mrs. Jeanne J. Atherden:** This is a second question.

**The Speaker:** Second question.

#### QUESTION 2: SUPPLEMENTARY ESTIMATE (NO. 1) 2017/18

**Mrs. Jeanne J. Atherden:** Will the Minister of Finance indicate to this House whether supplementaries are normally put at the end of the fiscal year? Because there could be changes within the budget estimates, and therefore it might not actually result in an overrun. And that to turn around and request a supplementary when only one-quarter of the year has gone by might seem to be unusual.

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, I will read to the Shadow Minister of Finance Bermuda Constitution Order 96(3) again, where it clearly states that "in respect of any financial year it is found . . . that the amount appropriated by the Appropriation law to any purpose is insufficient or that a need has arisen for expenditure for a purpose to which no amount has been appropriated . . . a supplementary estimate . . . shall be [laid before] the House . . ." We are following the rules, and this Government will follow the law.

**The Speaker:** Thank you, Mr. Premier.  
Any further questions?  
Thank you, Members.  
For this Statement?

**Mr. Michael A. Weeks:** Yes, for the Premier.

**The Speaker:** Okay. The Honourable Member Weeks, you have the floor.

#### QUESTION 1: SUPPLEMENTARY ESTIMATE (NO. 1) 2017/18

**Mr. Michael A. Weeks:** Yes, Mr. Speaker. In today's daily, I was reading this morning that the Opposition Leader said that the former Government's projections had indicated that there will be no need to call on the guarantee. However, Mr. Speaker, the Premier's Statement said that the former Government was told to budget at least \$18 million, as we have heard.

Can the Honourable Premier please tell this House and the people of Bermuda why the One Bermuda Alliance, even after losing this election by a landslide, continues to try to mislead Bermudians?

**The Speaker:** Premier.

**Hon. E. David Burt:** Thank you, Mr. Speaker, and I thank the Member for his question because I found the comments of the Opposition Leader in the newspaper to be rather interesting. Because the Opposition Leader is saying she is clearly not in agreement with the other Members of her Shadow Cabinet. One Honourable Member is saying that there was a need to call the guarantee. And her statement in the press today was that the former Government was told there was no need to call on the guarantee. It is clear that someone was keeping someone in the dark at their Cabinet table, Mr. Speaker. But what is clear is that this Government will not keep the people in the dark regarding their affairs.

**The Speaker:** Thank you, Mr. Premier.  
Supplementary?

**An Hon. Member:** Question.

**The Speaker:** Before I recognise you, I would like to recognise Mr. Tyrrell, who is the last person who had indicated that he had wanted to speak on this.

Mr. Tyrrell, you have the floor, Honourable Member.

#### QUESTION 1: SUPPLEMENTARY ESTIMATE (NO. 1) 2017/18

**Mr. Neville S. Tyrrell:** Thank you, Mr. Speaker. Good morning, everyone.

Not wanting to belabour this point, but in the Premier's Statement, the Premier said that the former Government did not include any money in the budget for additional ferry services for the America's Cup. Was the former Government unaware that if you have additional ferry runs for a large event like the America's Cup, it would cost more money?



**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, I thank the Honourable Member for his question, because it was astounding to find out that one of the first things that came to the Finance Minister's desk was a request from the Department of Marine and Ports, which had expended all of their money for overtime and fuel due to the fact that they had to have additional runs during the America's Cup to transport passengers, and no additional money was given in the budget by the former Government for this expense. This just shows the former Government was either fuzzifying things up or trying to conceal the true cost of their America's Cup spending plans to the public.

But as I said, Mr. Speaker, and I will say many times as I stand in this House, we will be open with the people's business, and this is something that was committed to by the former Government that they did not budget for but the people will have to pay for.

**The Speaker:** Thank you, Mr. Premier.

That has completed all of the Members who had indicated that they wished to ask questions on that Statement. So we are going to move on to the second Statement, that of the Minister of Tourism, Minister Simmons' Statement regarding the Bermuda Tourism Authority. We have two Members who have indicated that they had questions on that.

The first Member was the Deputy Speaker, Mr. Burgess. Honourable Member Burgess, would you still like to ask your question for the Minister of Tourism?

**Hon. Derrick V. Burgess, Sr.:** Yes, Mr. Speaker.

**The Speaker:** You have the floor.

**QUESTION 1: AUDIT OF THE BERMUDA TOURISM AUTHORITY FOR THE YEAR ENDING DECEMBER 31, 2016**

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

Mr. Speaker, in this Statement it says that there is no evidence to support either compensation or remuneration. Minister, will you have an inquiry into the administrative accounting of that organisation?

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker.

We have a mandate to ensure that every entity under our remit operates at the highest ethical and accounting standards. And we will do so.

**The Speaker:** Thank you, Minister.  
Supplementary? Okay. All right.

The next person who indicated that he had a question is the Member from Warwick [South East], the Honourable Lawrence Scott.

**QUESTION 1: AUDIT OF THE BERMUDA TOURISM AUTHORITY FOR THE YEAR ENDING DECEMBER 31, 2016**

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Minister, on page 2, you itemised a number of things. I am looking at item number 5, lack of signed contracts for services and sponsorships. With who were the contracts not signed?

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker, and thank you for that question, Honourable Member.

The entities—there were 10 entities that fell into [the group with] a lack of a signed contract for services and sponsorship: JetBlue, in the amount of \$2,745,000; Travel Places, in the amount of \$204,927; Bermuda's Heroes Weekend, \$100,000; National Sports Centre, \$35,000; R. C. Jain & Associates, LLP, \$85,000; Leatrice Oatley, \$150,000; Longwoods International, \$60,000; WEDCO, \$12,000, plus 8 per cent of gross sales; and a JetBlue advertising campaign. And I would be glad to bring more information on this to the House in a future time.

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

Any supplementaries?

Deputy Speaker, you have a supplementary?

**SUPPLEMENTARY**

**Hon. Derrick V. Burgess, Sr.:** Yes, thank you, Mr. Speaker.

Mr. Speaker, on number 12 in this report, it states that the committee did not meet every quarter. Now, we do know (it was mentioned in this House), what they would be paid a year. Even though they did not meet, were they paid for meetings that they did not have?

**The Speaker:** Thank you.

Minister?

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker.  
Yes.

**The Speaker:** The answer is yes. Thank you. It was so brief it got past us.

*[Laughter]*

**The Speaker:** Any other supplementaries?

**Hon. Patricia J. Gordon-Pamplin:** Supplementary.

**Hon. Dr. E. Grant Gibbons:** Yes, Mr. Speaker.

**The Speaker:** I have not recognised you yet. I actually heard the voice of your Leader first on this side. So, the Leader of the Opposition, Gordon-Pamplin. Supplementary?

#### SUPPLEMENTARY

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

Can the Honourable Minister advise how much was paid for meetings not attended?

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** I would be glad to provide that information to you at a future time.

*[Inaudible interjection]*

**Hon. Jamahl S. Simmons:** Well, I know certain things; not all, Minister.

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

Supplementary?

The Honourable Member Gibbons, from Pa-get [East].

#### SUPPLEMENTARY

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

I think, as we are all aware, the BTA is a semi-autonomous organisation and must be accountable for its own governance. But generally, when audit recommendations or suggestions are made by the auditor, there is the ability for management to provide their own response, because sometimes the auditor has not quite got it right or it was a misunderstanding. I am not suggesting that is necessarily the case here.

But the question for the Minister: Would the Minister, since this is only one side of the story, be prepared to table the BTA management's recommendations or acknowledgements or responses to the auditor's recommendations and noted comments here?

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker.

Yes, I would, as well as the full audit report, once I have it.

**The Speaker:** Thank you.

Supplementary? Supplementary?

#### SUPPLEMENTARY

**Mr. W. Lawrence Scott:** Yes, supplementary.

Mr. Minister, can you explain what happens to those companies and organisations that have been given money from the BTA without a contract?

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** Thank you, Honourable Member.

Since we have just received this information recently, we are actually looking through this to see what actually we are on the hook for, if necessary.

**The Speaker:** Thank you.

Is it a supplementary?

**Hon. Derrick V. Burgess, Sr.:** Yes.

**The Speaker:** Deputy, I am going to take the Minister—I caught his eye first—and come back to you.

**Hon. Derrick V. Burgess, Sr.:** Oh, I am sorry. That is all right.

**The Speaker:** Minister De Silva, supplementary?

#### SUPPLEMENTARY

**Hon. Zane J. S. De Silva:** Supplementary, Mr. Speaker.

Minister, we know that the board members of the BTA, or most of the board members of the BTA, currently get \$20,000 per year. Can you give us an undertaking, if you do not have the information, exactly how much money has been paid in the last 12 calendar months, please?

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** Thank you. Yes, I will.

**The Speaker:** Thank you.

Okay. The other Member who has indicated he has an actual question would be Minister Furbert, from Hamilton Parish. Minister Furbert, Wayne Furbert.

**Hon. Wayne L. Furbert:** Thank you. Thank you, Mr. Speaker.

**Hon. Patricia J. Gordon-Pamplin:** Minister?

**The Speaker:** I am sorry; Member, Member. I am sorry. Member Furbert, you can continue.

#### QUESTION 1: AUDIT OF THE BERMUDA TOURISM AUTHORITY FOR THE YEAR ENDING DECEMBER 31, 2016

**Hon. Wayne L. Furbert:** Mr. Speaker, I just want to ask the Minister, you mentioned in your report that a 30 per cent discretionary bonus was paid to the CEO. If you can get back to us and let us know whether there was any performance bonus paid on top of the discretionary bonus, we would appreciate it.

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** I will make an undertaking to do so, Mr. Speaker.

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

**Hon. Zane J. S. De Silva:** Yes, Mr. Speaker.

**The Speaker:** Go ahead, Minister De Silva.

### SUPPLEMENTARY

**Hon. Zane J. S. De Silva:** Minister, can you confirm the amount of this 30 per cent bonus that was paid to the CEO, please?

**The Speaker:** Minister.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker.  
Unfortunately, that information was not provided in the report that I received, but we actually are asking to get those numbers to you. And I would be able to provide an update as soon as I have them.

**The Speaker:** I take that as that is an undertaking which you will bring to the House in the future.

**Hon. Jamahl S. Simmons:** Yes, sir. Definitely.

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

All Members who had indicated that they had questions to the Minister of Tourism have spoken.

We are now going to move on to the next Statement. And the next Statement was that of the Minister of Health, the Honourable Minister Wilson. And there is a question from the Honourable Susan Jackson. Ms. Jackson, you have the floor.

### QUESTION 1: BERMUDA'S 50 MILLION STEPS CHALLENGE

**Ms. Susan E. Jackson:** Good morning, Mr. Speaker.  
I have one question for the Minister of Health. I am just wondering . . . I note here that the last STEPS survey was in 2014. When is the next STEPS survey?

**Hon. Kim N. Wilson:** Mr. Speaker?

**The Speaker:** Yes, Minister. Continue.

**Hon. Kim N. Wilson:** Thank you for that question, to the Honourable Member. We are looking to actually conduct another survey for our younger population, because the STEPS survey did address the adult population, and the Ministry thinks that it is necessary for us to look at a similar survey for the younger individuals. So, I can report more once that information is made available to me. But insofar as it relates to the older, adult population, that is not necessarily the priority for the next survey.

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

**Ms. Susan E. Jackson:** No. One more. [May I] ask another question?

**The Speaker:** Yes.

### QUESTION 2: BERMUDA'S 50 MILLION STEPS CHALLENGE

**Ms. Susan E. Jackson:** This is another question, second question, to the Minister. I am just wondering if you could tell us the difference between this STEPS survey and previous STEPS surveys—I mean, not the surveys, the actual challenge.

I am sorry. What is the difference? So, we are having the challenge now. There have been challenges in the past; there has been a STEPS challenge in the past. I am just wondering what the differences are between the two, or if there are any.

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Mr. Speaker, I am not 100 per cent sure I understand the question insofar as the difference between this walking challenge and a previous one. As I understand it (but I can get further information from the Ministry and revert), this is the first one that was started, as I indicated in my Statement, in June, under the former Government. If that is the question that you are trying to ask, that is exactly right. But I did indicate in the Statement that it was started on the 27<sup>th</sup> of June.

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

No other Members have indicated that they have questions for the Minister of Health.

We will now move on to the fourth Statement, that from the Minister of Home Affairs, Minister Brown. And we have two Members who have indicated that they have questions. The first is the Leader of the Opposition, the Honourable Member Gordon-Pamplin.

[Pause]

**The Speaker:** You look surprised. You indicated you had a question for the Minister.

**Hon. Patricia J. Gordon-Pamplin:** Oh, yes. I am sorry, Mr. Speaker. I did not hear the preface. I was not sure what the question was.

**The Speaker:** You have the floor.

#### **QUESTION 1: THE NEXT WAVE OF CHANGES TO IMMIGRATION POLICIES AND PROCEDURES**

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

My question is for the Honourable Minister for Immigration, and the question is with respect to page 1 in terms of “careful assessments of Statements of Employment” and “closer monitoring of the recruitment process.” Does misinformation in application forms have any bearing on the approval of such applications?

**The Speaker:** Minister.

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

Absolutely. If there is a finding of misinformation, false information, in an application form, then that person will not be awarded a work permit.

**The Speaker:** Supplementary or new question?

**Hon. Patricia J. Gordon-Pamplin:** I have a new question, Mr. Speaker.

**The Speaker:** Go ahead.

#### **QUESTION 2: THE NEXT WAVE OF CHANGES TO IMMIGRATION POLICIES AND PROCEDURES**

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, I wonder if the Minister could explain to this Honourable House how stringently the scrutiny process is being applied in light of recent approvals of work permits that fall outside the conditions that the Minister has indicated exist?

**The Speaker:** Minister.

**Hon. Walton Brown:** Mr. Speaker, the Honourable Opposition Leader is referring to a singular case, which has been well documented in the public domain. And that—

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

**The Speaker:** Point of order.

Minister, just yield for a minute.

What is your point of order?

#### **POINT OF CLARIFICATION**

**Hon. Patricia J. Gordon-Pamplin:** My point of order is that I am not referring to a specific case that has been well documented in the public.

**The Speaker:** Thank you.

**Hon. Patricia J. Gordon-Pamplin:** I am talking about a separate incident.

**The Speaker:** Thank you. You clarified your point.

**Hon. Patricia J. Gordon-Pamplin:** Yes.

**The Speaker:** Minister, she has indicated...the Member is indicating that she is not—her comments, rather, were not in reference to a single matter.

**Hon. Walton Brown:** Yes. Mr. Speaker, the Honourable Member's comments are duly noted. What I will say is that we will vigorously enforce Immigration policy and law, and that those who violate Immigration policy and law will face the consequences. Those people, those individuals who require certain considerations based on perhaps their marital status or other factors, who are outside of work permit control, will not fall into that category whatsoever.

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

Any supplementary or new question?

**Hon. Patricia J. Gordon-Pamplin:** I will ask a new question, because the Minister is down on a totally different tangent.

**The Speaker:** This is your third question.

#### **QUESTION 3: THE NEXT WAVE OF CHANGES TO IMMIGRATION POLICIES AND PROCEDURES**

**Hon. Patricia J. Gordon-Pamplin:** My third question is with respect to passports and the Minister's indication that we will take back the printing. My question is, has this vexatious subject been discussed with Her Majesty's Passport Office at the moment?

**The Speaker:** Minister.

**Hon. Walton Brown:** Mr. Speaker, I would like to thank the Honourable Member for that question. We are currently doing a Request for Information to find out what the cost is. Once we identify that cost, we will be pursuing vigorously with the UK Government what we consider to be an absolute necessity—that we retain the right, that we reapply the right to print our own passports. We recognise, Mr. Speaker, that it is an uphill battle. But when it comes to asserting and promoting the interests of Bermudians, Mr. Speaker, we will fight vigorously to ensure we get that right back.

*[Desk thumping]*

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

**Hon. Patricia J. Gordon-Pamplin:** No.

**The Speaker:** All Members have indicated . . .

**Hon. Wayne L. Furbert:** Question.

**The Speaker:** There is one other Member who has indicated that he has a question. That is the Honourable Member from Hamilton Parish. Honourable Member Wayne Furbert, you have the floor.

#### **QUESTION 1: THE NEXT WAVE OF CHANGES TO IMMIGRATION POLICIES AND PROCEDURES**

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.  
Mr. Speaker, can the Minister please elaborate on some of the elaborate ways that some employers have tried to manipulate our immigration system?

**The Speaker:** Minister.

**Hon. Walton Brown:** Thank you, Mr. Speaker.  
I can give a few examples. In one case, a company made application for five different work permits. And normally, the work permits are examined individually so one would not have identified a trend. But in this case, we put all the work permit applications together and found that all five applicants had the same résumé. So it was clearly a contrived, set-up application. They just changed the names.

**An Hon. Member:** Wow.

**Hon. Walton Brown:** In another category of potential abuse, an employee—her position was terminated. The employer sent two individuals to her house with a plane ticket, telling her she needed to be on the next flight out of Bermuda. And the employer, her former employer, had no jurisdiction to do so. That is solely a matter for the Government. And so, that was rescinded.

Other examples include applying for a work permit for a cleaner, looking for highly specialised qualifications to clean floors and to mop floors. So when you see those contrived ads for elaborate qualifications for relatively straightforward work, those permits, as of today, will not be permitted, will not be processed.

**The Speaker:** Thank you, Minister.  
A supplementary, or a new question?

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** A supplementary.

#### **SUPPLEMENTARY**

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary on this question, to the Minister.

Has the Minister continued the policy of, when appeals come to the Minister that the initial answer is no? And the yes has to be justified?

**The Speaker:** Minister.

**Hon. Walton Brown:** Mr. Speaker, I assumed the position with a clean slate. We were not burdened by past practices or policies. So, every single application is considered in light of its merits. I take no position prior to the application coming before me. I look at the opinion and the evidence presented, and the argument presented by the technical officers. And then, with a careful assessment, I render a decision.

*[Inaudible interjections]*

*[Desk thumping]*

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

All of the persons who have indicated that they have . . .

Is this a supplementary?

Supplementary. The Honourable Member Ralph *[sic]* Commissioning.

**Mr. Rolfe Commissioning:** Thank you, Mr. Speaker. That is Rolfe, with an “O.”

**The Speaker:** Yes, Mr. Commissioning.

#### **SUPPLEMENTARY**

**Mr. Rolfe Commissioning:** Will the Minister concede that these practices have the effect of dis-incentivising the hiring of Bermudians?

**The Speaker:** Minister.

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

Without doubt, it has provided a disincentive. But as of July 18<sup>th</sup>, that practice has come to an end.

**The Speaker:** Thank you.

All Members who indicated that they had questions for Minister Brown have asked their questions.

We are going to move on to the next Statement. The next Statement in which there are questions is actually the Statement from the Minister of

National Security, in reference to the grants and confiscation of funds. And those questions are . . . the first question is from the Member from Warwick [South East], the honourable Lawrence Scott.

#### QUESTION 1: GRANTS FROM THE CONFISCATED ASSETS FUND

**Mr. W. Lawrence Scott:** Yes, thank you, Mr. Speaker.

I notice that in this Statement, that it was referred to a couple of other Ministers. But I will just take your guidance and . . . my first question is the breakdown of funds, if the Minister responsible could provide a breakdown of funds for any legal services that were mentioned in this Statement.

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, we defer and seek your leave on the next occasion to have a complete breakdown for this most Honourable House.

**The Speaker:** Thank you.  
Supplementary or new question?

**Mr. W. Lawrence Scott:** This is a supplementary.

**The Speaker:** Continue.

#### SUPPLEMENTARY

**Mr. W. Lawrence Scott:** If we defer . . . If he can, if the Minister can now, or if he can defer, simply make the commitment, what did the majority of the funds go to? So that is what we are looking for, what I am looking for there, if he cannot do it now.

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

**Hon. Wayne Caines:** Mr. Speaker, I will give this to the Minister of Finance.

**The Speaker:** Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Speaker, and I thank the Honourable Member for his question.

The Confiscated Assets Fund had a number of funds that came into it and a lot of the funds that went out of it. Funds were spent for Cashback for Communities. Funds were also spent, of course, for government departments to track down these activities. And, curious spending was . . . also funds were spent, I would assume, by the former Attorney General, in the amount of \$111 [sic] to Cooley LLP, for a civil recovery scoping study.

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

**An Hon. Member:** It was \$111,000.

**The Speaker:** Supplementary?

**Hon. Derrick V. Burgess, Sr.:** Yes, Mr. Speaker.

**The Speaker:** Supplementary from the Deputy Speaker. Deputy Speaker, you have the floor.

#### SUPPLEMENTARY

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

Mr. Speaker, I would like to ask the Minister, how much of these funds went to the National Anti-Money Laundering Committee? And also, how much money was in the fund, the total money in the fund?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, I would like to defer this to the Minister of Finance, the Premier, the Minister of Finance.

**The Speaker:** Mr. Premier.

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

The total amount of money that was in the Confiscated Assets Fund since 2015—the total amount of money that has been recovered has been \$10.7 million. Out of \$10.7 million, 6 million of those dollars have been transferred to the United States under our obligations to mutual legal assistance. In addition of that, 3.5 million of those dollars have been given to government departments.

In response to the question regarding the National Anti-Money Laundering Committee, a total amount of money that went to NAMLC specifically was \$730,000.

**The Speaker:** Thank you, Mr. Premier.  
Is this a supplementary?

**Hon. Wayne L. Furbert:** Supplementary.

**The Speaker:** Supplementary from the Member from Hamilton Parish, Mr. Furbert.

#### SUPPLEMENTARY

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

Can the Minister of Finance tell us who is this Cooley company and why did they get so much money?

**The Speaker:** Minister, or Premier, would you like to respond?

*[Inaudible interjection]*

**The Speaker:** Premier.

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

The Cooley LLP is the law firm which was hired by the former Attorney General out of the United States, in the amount . . . and there is one payment that is listed out of the Confiscated Assets Fund, at \$111,000.

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

**Hon. Kim N. Wilson:** Yes.

**The Speaker:** Minister of Health, the Honourable Kim Wilson, you have the floor.

#### SUPPLEMENTARY

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

I wonder if the Honourable Minister could answer. Is it not correct that the initial purpose of the Confiscated Assets Fund, as established under the then-PLP Government, was to (a) give cash back to those industries that were most affected by the plight of drugs? It was subsequently amended to provide money for Cash Back for Communities. Is it your submission today that this \$110,000 *[sic]* was paid to a law firm? Can you please explain how that affects the benefit of our communities?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, the reason why this fund was set up was to benefit the community. Indeed, a number of community entities have been the beneficiaries of this fund. It is unclear and it is unexplainable why over \$100,000 would be given and be used in a legal matter and given to a law firm.

**Hon. Trevor G. Moniz:** Mr. Speaker, point of order.

**The Speaker:** Minister, you should yield for a minute.  
Point of order?  
The Honourable Member, Mr. Moniz. Mr. Moniz, you have the floor.

#### POINT OF ORDER

*[Misleading]*

**Hon. Trevor G. Moniz:** Thank you, Mr. Speaker.  
Those Honourable Members are all misleading the House. They need to go back and look at the

purpose of the fund. It is not purely for Cash Back for Communities, as they are suggesting.

**The Speaker:** Minister, would you like to continue?

**Hon. Wayne Caines:** Yes, Mr. Speaker.

We are aware that the Attorney General does have a budget. Under that budget, he had the opportunity to put matters that are with reference to litigation and articulate that in the budget. It is our submission that this fund and the ethos of this fund was to help indeed the members of the community. And if he was going to use this fund, there should have been a notification that this fund would have been used in this manner so that we can let the people know who were depending on this money that the money of this fund had been depleted. Now we are not able to take care of the people who [were to use] this fund, because a lot of this money has been used toward paying law firms for a flight of fancy.

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

Supplementary? This is your second supplementary, Mr. Scott.

#### SUPPLEMENTARY

**Mr. W. Lawrence Scott:** Yes, this is my second supplementary.

With the Premier's stating that this fund had \$10-plus million in 2015, and the Minister of National Security saying that now, at this date, it is now depleted, why are we only hearing about this now? And why were we not . . . and why was this country and this House not informed prior to the election on why, that we are running out of money in this fund?

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

**Hon. Wayne Caines:** Mr. Speaker, it is obviously deeply concerning, with the letters going out. Any account . . . you know, anyone . . . the former Minister of Finance would understand that if you are looking at the fund and you are seeing a total and a tally, you would understand that this money was indeed running out.

It was one of two things. Either it was a way of misleading the general public [to win the election] in July, the next election; or to allow this Party to carry a basket to carry water in, and we would not be able to honour the promises that they indeed made.

**Hon. Trevor G. Moniz:** Mr. Speaker.

**The Speaker:** Hold on, hold on.  
Is this a point of order or a question?

**Hon. Trevor G. Moniz:** A point of order.

**The Speaker:** Point of order.

**POINT OF ORDER**  
*[Misleading]*

**Hon. Trevor G. Moniz:** The Honourable Member is misleading the House again. The nature of the Confiscated Assets Fund is that it is constantly changing. So funds come into the Confiscated Assets Fund. And then under the mutual legal system, some monies need to be returned to jurisdictions to compensate victims. But it is constantly changing. You are getting money in, and you are paying it out to a variety of purposes. So it is constantly being topped up, and it is constantly being used. It is not a static fund.

**The Speaker:** Okay. Thank you.

Minister, would you like to continue to his point of order?

**Hon. Wayne Caines:** Indeed.

**The Speaker:** Continue.

**Hon. Wayne Caines:** Mr. Speaker, I have just seen a recent post from the former Premier, the Honourable Michael Dunkley. And he has indicated that at his last knowledge there was \$300,000 left in the fund. If there was indeed \$300,000 left in this fund, then how come we only have \$100,000 left in the fund now?

What is clear is that we are not indeed trying to mislead the House. We are saying that the fund does have different incarnations. The ethos of this fund was to benefit the people of Bermuda. There is an opportunity for the former Attorney General to use his budget to set aside a budget for litigation. He had that opportunity. It is deeply concerning that he went outside of that budget to take money from the people of Bermuda, money which was to benefit lives, [to spend] on what we are calling a "flight of fancy", to go about on his whimsical approach to prosecution in this country.

**Hon. Trevor G. Moniz:** Mr. Speaker, Mr. Speaker.

*[Inaudible interjections]*

**The Speaker:** Mr. Moniz, is this a point or order or a question?

**Hon. Trevor G. Moniz:** It is a point of order.

**The Speaker:** The point of order?

**POINT OF ORDER**

**Hon. Trevor G. Moniz:** The Member is getting very close to personal abuse.

**The Speaker:** I will determine that. I will determine that, Member. Just speak to your point of order.

**Hon. Trevor G. Moniz:** Yes. Yes, you will.

But he is getting very close to personal abuse.

**The Speaker:** Speak to your point of order or take your seat.

**Hon. Trevor G. Moniz:** But the fact is that I would put him to proof that there was any, *any* going outside of the purpose of the fund on the monies which were expended.

**The Speaker:** Thank you.

**Hon. Trevor G. Moniz:** And those funds, as he said before, were actually approved by the Minister of Finance and the Minister of Justice.

**The Speaker:** You have stated your point.

**Hon. Trevor G. Moniz:** Thank you.

**The Speaker:** Minister, would you like to continue?

**Hon. Wayne Caines:** Mr. Speaker, there was \$300,000 set aside for the community aspect of the project. There is only \$100,000 available to these people.

**The Speaker:** Thank you.

**Hon. Wayne Caines:** You over promised and you under delivered.

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

Mr. Burgess, you actually had your name down to ask a question. Is that a question or just a supplementary?

**Hon. Derrick V. Burgess, Sr.:** A supplementary, sir.

**The Speaker:** Supplementary?

**SUPPLEMENTARY**

**Hon. Derrick V. Burgess, Sr.:** Yes. Mr. Speaker, I would like to ask the Minister, what did the National Anti-Money Laundering Committee use that \$730,000 for? And also, do they have a budget to operate on?

**The Speaker:** Thank you.

Minister, or Premier?

**Hon. E. David Burt:** I will take the question. I will undertake to get to the Honourable Member the specific use of the funds of that allocation that was given. I can get that information for him.



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

Mr. Burgess, did you still want to ask your question, or you are fine? Okay.

All Members who indicated that they had questions of that Minister for that Statement have spoken.

We are now going to move on to the next Statement. And the next Statement that Members indicated that they had questions on is actually the final Statement, that from the Minister of Works.

*[Inaudible interjection]*

**The Speaker:** I have actually moved on, Member, moved on.

The matter of the Minister of Works, and the question is coming from the Opposition Leader, the Honourable Gordon-Pamplin.

#### QUESTION 1: THE BERMUDA LAND DEVELOPMENT COMPANY LIMITED

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

Mr. Speaker, on the first page, where the Minister has indicated that the last audited accounts tabled at AGM [annual general meeting] were 31<sup>st</sup> of March 2009, will the Honourable Minister confirm that by the time they left the Government they were already three years behind?

**The Speaker:** Minister, do you care to respond?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I have no knowledge of what the Opposition Leader is asserting.

**The Speaker:** Thank you.

*[Laughter]*

**The Speaker:** Member, do you have a supplementary or another question?

**Hon. Patricia J. Gordon-Pamplin:** The Minister cannot count, so I guess I will just ask another question.

**The Speaker:** Well, ask another question.

**Hon. Patricia J. Gordon-Pamplin:** Yes.

Was the lack of information that was required to complete the audited accounts the result of questionable activities by the previous board members that had been subject to public scrutiny?

**The Speaker:** Minister? Would you like to respond, Minister?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I am aware of the attempt that is being made. I can report

that the management and board at the Bermuda Land Development Corporation had provided the information for the audits for those five years of the former administration, being in government, and they have not been audited by the Auditor General.

**The Speaker:** Thank you.

Ms. Gordon-Pamplin, supplementary or new question?

**Hon. Patricia J. Gordon-Pamplin:** Supplementary.

**The Speaker:** Go ahead.

#### SUPPLEMENTARIES

**Hon. Patricia J. Gordon-Pamplin:** [The years] 2010, 2011, and 2012 were years that were under the purview of the previous administration. Can the Honourable Minister at least acknowledge that those have yet to be done?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, as I said in the Statement, the years 2010 and 2011 have been submitted to the Auditor General . . . (Sorry.)

*[Inaudible interjection]*

**Lt. Col. Hon. David A. Burch:** Yes, recently. Completed by the Auditor General and are ready for tabling at the next AGM.

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

Ms. Gordon-Pamplin, is this a supplementary or a new question?

**Hon. Patricia J. Gordon-Pamplin:** Supplementary.

**The Speaker:** Supplementary.

**Hon. Patricia J. Gordon-Pamplin:** Is the Honourable Minister aware that new audits cannot be undertaken until the prior audits have been completed?

**The Speaker:** Yes.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, amazingly, I am aware.

*[Laughter]*

**Lt. Col. Hon. David A. Burch:** But let me say this, Mr. Speaker. Irrespective of the fact that 2010 and 2011 accounts have been audited late, it still is no excuse that five years of accounting have not even been submitted to the Auditor General for consideration.

**The Speaker:** Thank you, Minister.  
Is this your final question?

**Hon. Patricia J. Gordon-Pamplin:** No, it is a supplementary.

**The Speaker:** No. You have had two supplementaries.

**Hon. Patricia J. Gordon-Pamplin:** Okay. Then I will pass.

**The Speaker:** The other Member who indicated he had questions was the Honourable Member Gibbons, from Paget [East]. Member Gibbons, you have the floor.

#### QUESTION 1: THE BERMUDA LAND DEVELOPMENT COMPANY LIMITED

**Hon. Dr. E. Grant Gibbons:** Thank you.

Could the Honourable Member give us an indication of what clearly must have been some very serious issues that arose in the 2010 and 2011 years of the BLDC, under the former Government—that is, the former PLP Government—that would have delayed these accounts being audited by, let us see, we are talking about close to six years?

**The Speaker:** Minister, would you like to respond?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, yes, I will respond.

That seems to be a question that should more accurately be directed to the Auditor General, who is unable to provide the audited accounts for the BLDC, both during the time of our term in Government, as well as for the entire time of the former Government.

**The Speaker:** Thank you, Minister.  
Any other . . . is it a supplementary?

**Hon. Zane J. S. De Silva:** Supplementary.

**The Speaker:** Supplementary from the Minister De Silva. Minister, you have the floor.

#### SUPPLEMENTARY

**Hon. Zane J. S. De Silva:** Thank you, Mr. Speaker.  
Minister, I would like to ask you: Irrespective of the year-end accounts not being available, would this stop the shareholders from holding annual general meetings?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** The fact that there are not audited accounts available would not stop them

from having an AGM, because they could submit unaudited accounts, as is taking place on. . . I do not recall the date. But a date for an AGM under the present shareholders has been set. And you could have gotten a sanction, as we did, from the Registrar of Companies to proceed with an AGM.

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

**Mr. W. Lawrence Scott:** Yes, supplementary.

**The Speaker:** I recognise the Honourable Member from Warwick [South East], Mr. Lawrence Scott.

#### SUPPLEMENTARY

**Mr. W. Lawrence Scott:** Thank you.

Mr. Speaker, could you get the Minister to answer if it is his belief that the former OBA Government could have brought everything up to date regardless of what had happened under the previous PLP administration?

**The Speaker:** Minister, would you like to respond?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, yes, it is my belief that this could have happened. I think that certainly the previous shareholders of the Bermuda Land Development Company could have implored the Auditor General to proceed with auditing the accounts for the years 2012 through 2016 and have an AGM.

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

#### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary question.

**The Speaker:** I recognise the Leader of the Opposition, Mrs. Gordon-Pamplin. You have the floor.

**Hon. Patricia J. Gordon-Pamplin:** Thank you.  
Would the Minister advise this Honourable House whether an auditor general can complete an audit on accounts when the prior year's audit is still outstanding? (You cannot bring stuff up to date . . .)

**The Speaker:** Minister, would you like to respond?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, no, they cannot. But just as they were able to complete the accounts for two years, they could have completed the accounts for seven years.

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

Mr. Gibbons, this is a supplementary, or do you want to go on to your further question? Because I think you have one question left.

**Hon. Dr. E. Grant Gibbons:** Sorry; I have only asked one question.

**The Speaker:** So you have two questions. Are you going back there, or is this a supplementary on that?

**Hon. Dr. E. Grant Gibbons:** It will be a supplementary.

**The Speaker:** Go ahead.

### SUPPLEMENTARIES

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

Since the audited accounts, according to the Minister, have only recently been completed by the Office of the Auditor General, would it not be accurate to say that an AGM would have been academic before those financial statements were really available? In other words, what was the point of having an AGM if the financial statements were not available until they were available recently? Thank you.

**The Speaker:** Minister, would you like to respond?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, there is no excuse, in my humble opinion, to sit in Government as a shareholder of a company for five years. And that Honourable Member would know better. I cannot imagine that in any other company in which he is a shareholder or a board member, that he would sit quietly by and allow the accounts not to be audited or not to take any action to address the deficiency for five whole years, Mr. Speaker!

*[Desk thumping]*

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

Let me remind Members that this hour expires at 12:13. We are now at 12:11. We have got two minutes left.

Supplementary or a new question?

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** Supplementary.

**Hon. Dr. E. Grant Gibbons:** Thank you.

To the Minister, would it not be fair to say that, really, the bulk of his criticism is really aimed at the Auditor General and not the former Government, given the serious delay in actually auditing those 2010 and 2011 accounts?

**The Speaker:** Minister, again.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, as I indicated in my Statement, I think there is enough blame to go around between both the Auditor General and the shareholders of BLDC.

**The Speaker:** Thank you, Minister.  
Deputy, is this a supplementary?

**Hon. Derrick V. Burgess, Sr.:** No, a question, sir.

**The Speaker:** Go ahead. You were down to ask the question. Yes, continue.

### QUESTION 1: THE BERMUDA LAND DEVELOPMENT COMPANY LIMITED

**Hon. Derrick V. Burgess, Sr.:** Minister, the inaction of the Auditor some will call mismanagement or maladministration. Will a complaint be made to the Governor about the Auditor?

**The Speaker:** Minister, would you like to respond?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, thank you, Honourable Member, for that question. I believe the Auditor General falls under the category of being a constitutional officer. So, whilst the Governor appoints her, he is not her boss. But certainly, I would imagine that the discussions that are occurring in this House will come to his attention. And during the course of his regular meetings with the Auditor General, he would raise the question with her. My report—

**The Speaker:** Thank you, Minister. The time has expired for our questions. We had a very lively period, but it is an hour. And the hour has passed.

The next item on the Order Paper is actually the condolences and congratulations.

### MOMENT OF SILENCE

*[In memory of Honourable Shawn G. Crockwell, MP]*

**The Speaker:** I am going to ask Members to join me on my feet and observe a moment of silence to recognise one of our Members who passed during the close of this House, namely, the Honourable Member, Mr. Shawn Crockwell.

Gallery, will you please rise as well on this for us, please?

We will start that moment of silence now.  
Thank you.

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

**The Speaker:** Thank you, Members. You can take your seats. And we are now on the Congratulatory

and/or Obituary Speeches. Members are mindful that these are three-minute speeches.

I recognise the Premier.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

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

Mr. Speaker, it has been a while since we have been here, and mindful of three minutes, I will go and give my condolences, of course, to the former Member and the family of the former Member, Mr. Shawn Crockwell, who sat in this place.

Also, I would like to recognise and ask that letters be sent to the families of Ms. Deborah Tannock, who has passed away; Ms. Rosina Spencer Bean (I am sure the Honourable Member from 21 will give my aunt a tribute); and also the former Regiment Officer, Mr. Larry Burchall, who also passed away since the last time we were here.

Regarding a more personal issue, Mr. Speaker, of course, I would like to recognise the passing of my brother-in-law, Mr. Terrence Smith, and I would ask that letters of condolences be sent to his wife and children, remembering his life.

Regarding congratulations, Mr. Speaker, I would like to ask that congratulations be sent to the following persons: The first I would like to ask for is that congratulatory letters be sent to Mr. Michael Burns, who earned the Fred Reiss Lifetime Achievement Award for his work in insurance. We recognised him at the captive insurance conference a few days ago, and I would like to ask that the House extend him those congratulations.

In addition, I would like to give congratulations and thank-yous to Bermuda's student debate team, who represented Bermuda in August this year at the World Schools Debating Championships in Bali, Indonesia. Despite losing three members to illness and injury, they represented us proudly. And of course, Mr. Speaker, further congratulations should be sent to Bermudian, Kenza Wilks, who won the event's top speaking prize, representing Team England. The Island team was represented by Megan Sutcliffe, a Bermuda High School graduate; Berkeley Institute students Tyrese Coakley, Yasser Baia, and Sierra Brangman; as well as Asha Symons from Warwick Academy. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Premier.

Does anyone else wish to speak on condolences and congratulations? I recognise the Honourable Member from St. George's West, Mr. Swan.

**Mr. Hubert (Kim) E. Swan:** Yes. Good day, Mr. Speaker, and thank you for the acknowledgement.

I would like condolences to be sent to the family of Marshall Dowling, a dear friend from Welling-

ton Back Road, Suffering Lane community, who succumbed to illness recently. Also, to the family of John T. Clarke, from Ferry Reach, well-known gentleman indeed, whom I knew personally, as well. And also, very sadly as well, equally as sad is the family of the late Michael Paynter, who died very suddenly, and I am very sad myself to bring these condolences, because it was on the campaign trail that I remember him last—always very outspoken, was very emotional when I spoke to him about issues. And his passing really hit home.

And I would like to be associated with the condolences to my friend, Terrence Smith. I know I speak on behalf of my golfing community, of which he was one; we will miss him dearly. And I would also like, Mr. Speaker, to be associated with all condolences being officially sent to our friends and family down in the Caribbean, and indeed in Key West as well, and other areas affected by the hurricane—in particular, Irma, and also before that Harvey ravaged the community of Houston and the Gulf State communities.

On a happier note, I would like congratulations to be sent to you, Mr. Speaker, on your new role, and also to the Progressive Labour Party on ascending to Government, once again, meeting the needs of the people who put us there.

And also, Mr. Speaker, I would like to be associated with the condolences sent out to the former Honourable Member, Mr. Crockwell. And I think, Mr. Speaker, that a precedent may have been set for a suitable time to maybe have a special opportunity for Members to speak a little bit more about the contribution Mr. Crockwell made.

**The Speaker:** You can take advantage while you are on your feet now if you wish to.

**Mr. Hubert (Kim) E. Swan:** Well, thank you for that, Mr. Speaker.

I would just like to say that Mr. Crockwell's contribution to Bermuda will be duly noted in many spheres. I knew Mr. Crockwell especially from a family connection, as I just today saw his father driving east. And I am very close to his young nephew, Skylar, whom I teach golf. And his father and I have been very closely connected for many years through golf. More recently, as his ascension brought him to Parliament—a redemption, indeed—this young man acquitted himself after difficult circumstances to make his family proud. His passing, certainly, Mr. Speaker, came as a blow to many of us, no more than to his family. Thank you, Mr. Speaker.

**The Speaker:** Time. We appreciate your comments.

Any other Member? I will recognise the Minister of Sport, Minister De Silva.

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

Mr. Speaker, I would like to be associated with the condolences for our friend and brother-in-law of the Premier, Mr. Terrence Smith, whom I had the luxury and privilege of being in the same class with for three years. And, of course, after our school experiences together, as was noted by MP Swan, he was also an avid golfer. And we had some experiences, certainly, out on the golf course, and other places as well, Mr. Speaker. He dearly loved the game, and we certainly had a lot of fun at it.

I would also like to be associated with the condolences for Deborah Tannock, as you know, former Senator Raymond Tannock's wife, very active in the Southampton area, as well as the Vernon Temple Church. Larry Burchall was another one I would like to associate my condolences with, Mr. Speaker, as he taught me how to march when I was in the army. And of course, I did spend some other time with Larry throughout the years, as he was involved in the construction business for a long time before he retired, and ably assisted his daughter with the great news outlet, *Bernews*, Mr. Speaker, as you are well aware.

I would also like to have the House send condolences to the family of Mr. Basil Carey, who is the father of my Permanent Secretary, and Mr. Michael Weeks would like to be associated.

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** The whole House is certainly indicating to send condolences to the family of Basil, who was well known, obviously, Mr. Speaker, for someone who was almost 90 years old—the church was full. So he was obviously well-liked.

Mr. Speaker, I would also like to associate my condolences with the honourable former Member, Mr. Shawn Crockwell. And you might remember, Mr. Speaker, in his last speech in this House he made a prediction that we would be sitting on this side of the House in short order, Mr. Speaker, and, oh, was he so correct! So, Mr. Speaker, I am sure that he is missed by many Members in the House, and certainly by his former partner, Mr. Mark Pettingill. Those two were certainly joined at the hip, Mr. Speaker. And Shawn, I think, added certainly a lot of talent. He made Chancery Legal, I think, what it is today, along with his partner, Mr. Pettingill.

Mr. Speaker, before I take my seat, on a happier note, I would like to congratulate Mr. Glenn Woods and his wife, Candy, who celebrated 43 years of marriage today. And I think many Members on this side would know Glenn “Woodsy” Woods. He is certainly a soldier. Candy should get an extra medal for being married to this man for 43 years.

And very quickly, because time is, I know, running out, Mr. Speaker—

**The Speaker:** Yes. Your time is up, Minister.

**Hon. Zane J. S. De Silva:** Thank you.

**The Speaker:** Would any other Member wish to speak? Dr. Gibbons. We recognise Dr. Gibbons, from Paget.

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

Mr. Speaker, I would also rise this morning (or this afternoon, at this point), to ask that condolences be sent to the family of the late William “Billy” Boyle, who, many members will know, was a member of the Corporation [of Hamilton] for many, many years. He was mayor between 1994 and 1997. In fact, his time goes back to when my father was mayor, and that was quite a long time ago. He certainly needs to be recognised for his public service at the Corporation, and also for the contribution to employment in Bermuda and service to Bermudians through the Boyle shoe stores, which I think all Honourable Members certainly would be familiar with.

While I am on my feet, Mr. Speaker, I would also ask that condolences be sent to the family of a former constituent—that is, Janet (otherwise known as Judy) Montgomery-Moore Watlington. Honourable Members may be aware that she, at summer camps for many, many years for young Bermudians, touched a lot of younger people as a consequence of those summer camps. I would certainly ask that condolences be sent to her children, Margaret, James, Kitty Knudsen, and Hubert Watlington, for this wonderful lady.

I would also like to be associated with the condolences sent to the family of Shawn Crockwell, a former colleague and certainly a great contributor both to Government and to public service. I would also like to be associated with the condolences to the family of Larry Burchall, with whom I had many interesting conversations over the years and who did a lot to bring clarity, particularly to government finances, over quite a long period. Finally, I would also like to be associated with the—I guess *commiseration* would be the best way of putting it—with those in the British Virgin Islands, certainly Turks & Caicos Islands and others, who suffered terribly under the Hurricane Irma that went through. And I am pleased to see that the Royal Bermuda Regiment and others are rising to the occasion to assist our brothers and sisters down there. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

I now recognise the Honourable Member, Mr. Commissiong. Mr. Commissiong, you have the floor.

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

As many of us know, life can be fleeting. Certainly, those who have been blessed with long life are indeed truly blessed. I just want to take time out to offer some condolences here. Firstly, I will go in order of age and seniority. We have Ms. Elizabeth Dillworth,

from Curving Avenue. She was in her 99<sup>th</sup> year when she passed away, about four or five weeks ago. She is the sister of Hubie Brown, who ran the legendary Hubie's Jazz Bar in Angle Street, a favourite haunt for many of us older members of the Progressive Labour Party; and also the sister of Donny Brown of the, again, legendary Fish Hut, which is no more. And most of us, many of us do lament the fact that the Fish Hut is no more. But she was a great woman. She worked, as a younger woman, down at Tom Moore's Tavern—for example, as a cook down there. And again, 99 years old this year. A very good innings, as my honourable and learned colleague, Mr. Caines, opines.

I just also then, moving on—again this lady here I am going to mention passed away right around the same time. She may have preceded the passing of Mrs. Dillworth by a week or two. Both of them live on Curving Avenue. We are talking about Rosina Jane Leonora Spencer Bean. Rosina Bean was born in 1932, so she would be 85 years old this year. And she was a great woman, a staunch supporter of the Progressive Labour Party, as was Ms. Dillworth. In fact, I was able to give [her] a party flag, which she flew proudly prior to the election. And one of the things about Mrs. Spencer Bean is that she always talked about her roots down in the Caribbean, in St. Kitts and Nevis, with Reverend Tweed, for example. In a visit just shortly before the election, I remember her telling us and regaling us with the stories of her being on that boat—it may have been called *The Ladybird*, I believe, that used to ply the waters between St. Kitts and Bermuda. And she talked about herself as a young girl, going on that boat for that voyage down to St. Kitts and Nevis, perhaps to visit family, and returning on the same boat. It was something that I was not aware of, although I wondered in the back of my mind, *How did they get from there to here and back, back in the day, if you will?* So that was Mrs. Leonora Spencer Bean.

Very quickly, Mr. Speaker, because again I know our time is short. Today I am [looking] in the paper, I was able to see in the paper the passing of another strong supporter for this party and for the labour movement, Larry Alexander Anderson, Sr., who passed away. My condolences to him—or condolences to his family, I should say. And I am associating with all the other Members as well. I believe he has a relative or two here.

*[Inaudible interjection]*

**Mr. Rolfe Commissiong:** Exactly, the Anderson family.

Lastly, I want to congratulate the young Mr. (if you just give me a chance to pull this up here), the young Mr. Waleed Lightbourne, who became a male nurse.

*[Timer beeps]*

**The Speaker:** Time is up. Time is up.

*[Crosstalk]*

**Mr. Rolfe Commissiong:** And I want to just thank him for his accomplishment. Thank you, Mr. Speaker.

**The Speaker:** I now recognise the Minister for Works and Engineering. Mr. Burch, you have the floor.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, thank you very much. I will not need to go three minutes.

I would like to be associated with the condolences to the Honourable Shawn Crockwell, Mr. Terrence Smith, Mrs. Deborah Tannock, and Captain Larry Burchall.

I would also ask that condolences be sent to the family of Marlene B-Landy, who, whilst she was on the other side of the political divide, her and my mother were best friends, and her son actually served in the Regiment with me—a giant in this community gone.

I would also ask that the condolences be sent to the family of Collins Lorne Smith. Many in this House will have attended his homegoing service on the 11<sup>th</sup> of August—sorry, not on the 11<sup>th</sup> of August; that is when he passed—at the Heritage Worship Centre, Mr. Speaker. In my lifetime, it is probably the largest I ever attended, with people from all walks of life. And if you knew him, you knew that he loved life and that he lived it to the fullest.

I also ask, Mr. Speaker, that congratulations be sent to PinkSand Entertainment Company, who on the 3<sup>rd</sup> of September presented *Made In Bermuda* festival at the CedarBridge Academy, highlighting Bermudian artists. And it was an outstanding evening of Bermuda talent. And I would like particularly the congratulations to be sent to the two principals of PinkSand Entertainment, Mr. Jonathan Tankard and Mr. Zuri Darrell. Thank you.

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

Before we recognise anyone else, I think we all should be cognisant of the time. It is now 12:30. And the Premier has asked the Minister of Health to be acknowledged.

Minister of Health.

**Ms. Kim N. Wilson:** Mr. Speaker, I move that the House do now adjourn for health *[sic]*.

**The Speaker:** For lunch, for lunch.

*[Laughter]*

**The Speaker:** I hope you are going to have a healthy lunch. Is that what you are indicating?

The House is now adjourned until 2:00 pm.

[Gavel]

**Proceedings suspended at 12:30 pm**

**Proceedings resumed at 2:02 pm**

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

**The Speaker:** Members, we are now . . . proceedings are open after lunch. We are going to continue the Obituaries and Condolences.

Does any Member wish to speak to that? I recognise the Member from . . . honourable Scott Simmons. Mr. Simmons, you have the floor.

## CONGRATULATORY AND/OR OBITUARY SPEECHES

[Continuation thereof]

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

Mr. Speaker, I want I rise on a sad note and I ask that this Honourable House send condolences to the family of the late RaKim Toriano (Scrooge) Edness Hall. And I ask also that . . . and I see that a number of Members wish to be associated with this. I also recognise his mother, Ms. Bridget Hall Broughton and, of course, Mr. John "Scrooge" Edness. I recognise also Diane Hall, who are his grandparents, Lionel "Pop" Hall and, of course, his grandmother, Mrs. Diane Edness.

Mr. Speaker, on a more elevated note, I wish to ask that congratulations be sent to the Bermuda Industrial Union, who just recently had the Labour Day celebrations and their 36<sup>th</sup> Annual Labour Day Banquet. I ask that congratulations be sent to the President of the Union, to his executives, and also to the members. And I am sure that other Members (I hear) wish to be associated.

I also wish to be associated with the letters of condolences that went to Mr. Terrence . . . the family of Mr. Terrence Smith, to the family of Mrs. Deborah Tannock (who I knew very well), and also, of course, to the family of the late Shawn Crockwell.

Finally, Mr. Speaker, if you do not mind, I rise on this occasion and ask that this Honourable House send congratulations to Mr. Owen Darrell. As this House may or may not know, Mr. Darrell has risen to the rank of Chief of Staff to the Premier and, most recently, he has been given the opportunity to serve in a capacity that I am most familiar with and that will be as Chair of the Bermuda Progressive Labour Party. And I wish to extend to him and his family all the very best.

[Desk thumping]

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

**The Speaker:** Thank you, Mr. Simmons.

I recognise the Honourable Mr. Furbert from Hamilton Parish. Mr. Furbert, you have the seat . . . you have the floor.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to first of all be associated with the condolences for both Terrence Smith and Mr. Larry Burchall. These individuals will be sadly missed in our community because they offered quite a bit of ideas and support overall, particularly Mr. Burchall was very much on top of the numbers on both sides of the House for years.

But, Mr. Speaker, I have to speak very clearly on my good friend the Honourable Shawn Crockwell, JP, MP who went to another place while we were on . . . when the House had dissolved over that period.

Mr. Speaker, there is no doubt that Mr. Shawn Crockwell was probably one of the best speakers in this Honourable House by far, or at least within at least the top two.

[Inaudible interjection]

**Hon. Wayne L. Furbert:** No, the other one was my Premier, the Honourable David Burt, but I am not going to get into that, Mr. Speaker, they are trying to throw me off. But I am trying to speak on a very serious note that there is no doubt that when Mr. Shawn Crockwell rose to his feet . . . he had facts, he spoke very clearly, he was very much involved in some very good programmes and ideas that came out of the One Bermuda Alliance. Probably, as a matter of fact, it is probably the only good things that came out of that . . . at that time. But he was clearly very informative in what he did and was clear on the goals that he had set, despite us going after him over and over on . . . whether it was the BTA or other things.

Mr. Speaker, I probably am at fault of introducing Mr. Crockwell to the political game. He came aboard during a very tough time when I sat in another place and Mr. Crockwell offered much support to me personally, as I said, we became friends over a period of time. We travelled quite a bit in places around the world and I will sadly miss that gentleman. I recall very vividly the day when I got a call saying that something had happened to Mr. Crockwell and I drove my van as quickly as possible to his house. And at that time I met the honourable Mark Pettingill at his steps and I said to him, *Do not tell me that it is true*. I sat there all day, as a matter of fact, to the very evening until the body was brought down the steps and put in the . . .

[Timer beeps]

**The Speaker:** That is your time, Member. We appreciate your comments.

**Hon. Wayne L. Furbert:** Thank you. I will continue next week.

**The Speaker:** Thank you.

Does any other Member wish to speak? I recognise the Honourable Member, Mr. Cole Simons. Mr. Simons, you have the floor.

**Mr. N. H. Cole Simons:** Thank you. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to send congratulatory remarks to the new teachers that joined the Bermuda Government team in September. In June they had a teacher induction ceremony and I would like to recognise the new teachers: Ms. De'Von Allen of Francis Patton; Torri Correia; Nathan Dill; Aleisha James; Sekia James; Lorne Nannini; Makesha Mahmud-Bey; Alaina Nelson; Diamond Outerbridge; Krystle Paulino; Chrislyn Philip; Daishawani Richardson; Nyisha Saunders; Janell Smith; Keita Swan; Chaunteé Thompson; Crystal Trott; Oranthus Turner, and Judith Welch.

I welcome them to the teaching fraternity of Bermuda and I wish them all the very best in their careers. A special congratulation goes to Krystle Paulino who was the new teacher inductee that was outstanding for her experience in that course.

On the opposite side of the spectrum I would like to send congratulations to the teachers that retired from our system. They are: Miss Elizabeth Arnold, a reading resource teacher; Clarence Dill, a Social Studies teacher; Dr. Alma Finn Hendrickson, a reading teacher; Dawnette Lewis, a paraeducator; Mary Lodge of St. George's, the Principal; Erwin Nisbett; Paula Outerbridge; Norman Smith; Lauren Todd; and Erviette Young. I would like to thank them for their years in service and their contribution to developing young people in our Island.

I would like to also send condolences to the family of the late Arthur Haycock. He was at the Bank of Bermuda HSBC for a number of years and he helped many, many Bermudians secure their homes because he was on the credit side and did a fine job in helping Bermudians work through their mortgages and financing. He will be sadly missed. He did a lot of philanthropic activities in Hamilton Parish. And I would like to send condolences to his family . . . that is Arthur Elystan Haycock.

Mr. Speaker, I would like to also send congratulations to In Motion Dance School. They celebrated their 20<sup>th</sup> anniversary. They are first class in regards to teaching young people the arts, teaching them discipline, teaching them commitment, and basically developing young, positive people through the arts. So, again, I would like to commend them for their contribution and I would like to encourage them to keep up the good work.

I would like to also be associated with the comments made in regard to Michael Burns, the Ber-

muda Student Debate Team, Basil Carey, Billy Boyle, Shawn Crockwell, Deborah Tannock, and Marlene B-Landy. Thank you.

**The Speaker:** Thank you, Mr. Simons.

Are there any other Members? I recognise the Member from St. George's [North], the Honourable R. Ming. Ms. Ming, you have the floor.

**Mrs. Renee Ming:** Thank you, Mr. Speaker.

At this time I would like to extend condolences to the family of Mr. Albert Churm, Sr. (aka "Shorty") from St. George's, and also Albert Churm, Jr. Unfortunately, the family lost the father and the son within a week's period. So I just want to let them know that they are in our thoughts and prayers; associate MP Swan with that. And also Muriel Smith from St. George's . . . associate Pamplin-Gordon with the "Shorty" Churm one, please.

And now I am just going to do some congratulatory ones before I do my associations. Congratulations to the Corporation of St. George's for maintaining their Summer Series. It has been a great event, had us out on the square Friday nights actually just enjoying ourselves.

The 2018 Cup Match Champions, the St. George's Cricket Club for—

**The Speaker:** What?

**Mrs. Renee Ming:** —just an awesome 2017 event, Mr. Speaker.

Richard Allen AME Church for their Women's Day celebrations. The Bermuda Netball Association for their celebrity exhibition game that was held this week, Mr. Speaker. Also, the Bermuda Bodybuilding Association and also, in particular, Miss Natasha Trott for the Bikini Wellness. I aspire to be like that one day. And the Girls Under-15 Football Team for their participation in the CONCACAF Championships in Florida. And I just want to a big shout out to my niece, Danni Watson. And I believe that will be it.

And I just want to be associated with the comments for Shawn Crockwell, Larry Burchall, Michele Walden, John T. Clarke, Collins Smith. Thank you.

**The Speaker:** Member, did you say congratulations to who for Cup Match?

**Mrs. Renee Ming:** The 2018 Cup Match Champion, St. George's Cricket Club.

**The Speaker:** I think you are bit off on that, but anyway, I am going to hold my comment.

[Laughter]



**The Speaker:** I recognise the Minister . . . Minister Caines. Minister Caines, you have the floor.

**Hon. Wayne Caines:** Mr. Speaker, I would like to offer condolences to the family of Mr. Denton Jared, Jr.,. He was a childhood friend and, indeed, my god brother. He most recently succumbed to cancer in the United Kingdom and I would like this Honourable House to send his family our deepest and most heartfelt condolences.

Again, to associate myself with the condolences for Mr. Lawrence “Stickers” Hendrickson, he was one of the founders of H&H Gombey. And Mr. David “Shaggy” Wilson of Warwick Gombey [Troupe]. Mr. Collins Smith, Mr. Speaker, is a fixture in our community specifically with the Corporation of Hamilton. For a number of years he served this country with distinction and has recently passed. And I would like to associate myself very closely with the condolences for Mr. Larry Anderson. He is indeed close to my family and one of Bermuda’s best cake decorators, Mr. Speaker. He is gone to take his rest.

I would like to say a few words with [regard to] Mr. Shawn Crockwell, one of our MPs, that has recently passed. Mr. Speaker, you would know that he was my roommate in university. We attended the Bermuda Institute together. This House has lost a giant of a man. He indeed has significant shoes to fill. He leaves behind three children to mourn his passing, but indeed they get to carry the legacy of the father in their hearts. And I wish for this Honourable House to send his family condolences on behalf of the Members of this House.

Mr. Speaker, Mr. Lee Holder—

**The Speaker:** Mm-hmm.

**Hon. Wayne Caines:** —Mr. Lee Holder was a formidable man in the sporting community serving as a football player, as a referee, and as a member in the legal fraternity in Bermuda and—

*[Inaudible interjections]*

**The Speaker:** You would like to be associated.

**Hon. Wayne Caines:** Yes. And, Mr. Speaker, we would like to associate the House with these comments.

Mr. Speaker, by way of congratulations, our Under 17 Girls, Mr. Speaker, in one of their games, they scored what could only be considered a hockey score or a cricket score by beating their opponent by some 14 goals and, Mr. Speaker, I would like for this House to send them some congratulatory remarks.

**The Speaker:** Sure.

**Hon. Wayne Caines:** Those conclude my remarks, Mr. Speaker.

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

Now, does any other Member wish to speak? I recognise the Honourable Member from Southampton [East Central], Ms. Scott. Honourable Member, you have the floor.

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

Mr. Speaker, I would like to offer condolences to the family of the late Shawn Crockwell. Shawn was a very good friend of mine and when he died his death was one of those things that you will always remember where you were, the time, the place, and the hour. I will miss him as a mentor. I will miss him as a friend. He was a great orator. He will surely be missed in this House. I appreciated him for his honesty and for his frankness, and for the ability that he had to stand up for the courage of his convictions.

Thank you, Mr. Speaker.

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

I recognise the Honourable Member from Southampton as well. The Honourable Member Smith, you have the floor. Yes.

**Mr. Ben Smith:** I would like to send condolences to the family of Roudette Warrington Yearwood from Hamilton Parish.

**The Speaker:** Mm-hmm.

**Mr. Ben Smith:** He suddenly died on the 27<sup>th</sup> of July. He gave a lot of time and effort to swimming in Bermuda and I work with his daughters and I know that he will be missed.

I would also like to give congratulations to the Youth Commonwealth Team for Bermuda, specifically the medal winners. Our first gold medal for Matthew Oliveira in time trial cycling, along with Sakari Famous in high jump (Bronze medal), and Alyssa Rowse, Bronze medal also in cycling.

I would also like to congratulate Flora Duffy for what she has been able to accomplish this summer and give her our best wishes for tomorrow in the grand final for the Triathlon World Series.

**The Speaker:** Thank you. I now recognise the Honourable Member, Mr. Tyrrell. Mr. Tyrrell, you have the floor.

**Mr. Neville S. Tyrrell:** Thank you, Mr. Speaker, good afternoon.

Mr. Speaker, I would ask that this Honourable House send a letter of condolences to the family of the late Mr. Jose Mota of Chapel Hill Road in Southampton who passed, as I said recently, at a very young age of 64. I have to confess that I was not very

intimate with Mr. Mota, but I happened to have met one of his daughters this summer and I will just give you a brief talk about it. What it was, there were many back-to-school giveaways out and my honourable colleague, Dennis Lister III, who you would recognise, and myself—

**The Speaker:** I might be familiar with him, yes.

**Mr. Neville S. Tyrrell:** —had a joint giveaway, a back-to-school giveaway. And in . . . well, it was sort of short notice that we did it and we did it via Facebook in terms of getting the information out, and Stacy Mota (who has no connection with either of our constituencies) actually came and showed up because she wanted to help. She said she wanted to help and she actually helped to greet and hand out the giveaways that we had. And the reason why I am probably emphasizing that is she is a very young, she is a young lady who you could obviously tell has had some very good upbringing and I must obviously associate that with her father, Jose. So, if those condolences could be sent.

At the same time while I am standing here, Mr. Speaker, I would ask that I be associated with the condolences for Ms. Deborah Tannock. Her husband, Raymond Tannock, and I sat in another place together for a number of years and at the end of our sessions we never knew how we were going to get home, so either one of us had to call our wives to see which one could come and Deborah always seemed to . . . she had no problem coming to come and collect him. So I associate myself with that.

And finally, I would like to be associated with the remarks to Collins Smith. He was not a constituent of mine, but his father was. His father lives—not was, is—lives in my constituency and he is a firm supporter, so I would certainly associate myself with those condolences. Thank you very much, Mr. Speaker.

**The Speaker:** Thank you, Mr. Tyrrell.

Are there any other Members that wish to speak? I recognise the Honourable Member. . . yes, she was just made a Minister. I recognise the Honourable Member from Hamilton Parish, Mrs. Furbert.

Mrs. Furbert, you have the floor, Honourable Member.

**Mrs. Tinee Furbert:** Yes, thank you, Mr. Speaker.

I would like to offer congratulations or send congratulations to the Bermuda Bocce Team, which had representatives Yushae Desilva-Andrade, Steve Wilson, Omar Hayward, and Rechai Young. An association over here. They represented Bermuda in the BISFed America's Bocce Team Championships in Columbia and they did quite well. Omar Hayward was the one who went to the finals and was defeated 3 to 1. But I would just like to offer congratulations to them for representing Bermuda well.

Also wanting to wish one of my constituents, who is actually in the House, Mr. Place, a happy belated birthday. He is 101.

*[Desk thumping]*

**The Speaker:** Okay.

**Mrs. Tinee Furbert:** And he is just a great example of how we can age healthy. And so I just want to wish him many, many more years and I am glad that he is in this place today.

Also wanting to send condolences out to the family and friends of two constituents: Mrs. Roslyn “Peggy” Gibbons, and also Mr. Sean Tavares. And I also want to associate myself with the condolences for Mr. Larry Burchall, Mrs. Deborah Tannock, and Mr. Shawn Crockwell.

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

Any other Member wish to speak? I recognise the Honourable Member, Ms. Jackson. Ms. Jackson, you have the floor.

**Ms. Susan E. Jackson:** Thank you, Mr. Speaker.

I would just like to send condolences to the family of Sophie Laden Fraser-Smith. She tragically lost her life on Election Day on the 18<sup>th</sup> of July this year, and we are heartily sorry and I would like to associate the whole House with this.

**The Speaker:** Mm-hmm.

**Ms. Susan E. Jackson:** Because there is the likelihood she may have been coming to vote, and we just want to recognise her and send all of our sincerest condolences to the family. Thank you.

**The Speaker:** Thank you.

Any other Member? We recognise the Honourable Member, Mr. Weeks. Mr. Weeks, you have the floor.

**Mr. Michael A. Weeks:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to start off my remarks by asking this Honourable House to send congratulatory remarks to Mr. Trevor Lindsay. He was a long-time cameraman for ZBM but now he has got his own news website, which was launched on July 17<sup>th</sup>. It is called TNN and I am sure I would like to associate the whole House—

**The Speaker:** Yes.

**Mr. Michael A. Weeks:** —I see the hands going up. Trevor Lindsay is a real entrepreneur, and when he parted ways with ZBM he ventured out into his own business, TNN. So stay tuned because he is one of

those guys that . . . he puts the news on as it happens.

**The Speaker:** Mm-hmm.

**Mr. Michael A. Weeks:** So he is one of those guys that, you know, does his thing.

Mr. Speaker, on a sad note, I would like to associate myself with the remarks of condolences for Mr. Lee Holder. He was a good friend of mine and, like my honourable colleague, the Minister of National Security said, he was very much a fixture in the sporting arena and, for those that know football especially, he was a Devonshire Colts man through and through. As a matter of fact . . . and I saw you there, Mr. Speaker, I would ask people to come to his funeral dressed in either orange or red and blue.

**The Speaker:** Yes, I understand that.

**Mr. Michael A. Weeks:** So again, I would like to associate the Members of the House with that.

I would also like to associate the remarks for the condolences for Mr. Larry Anderson. He was one of my constituents and, like it was said before me, he was very much a baker and cake decorator, and we are going to miss him, miss him dearly.

Mr. Speaker, I would also like to be associated with the remarks for Collins Smith. He was a friend of mine. I could not attend his funeral because at the time of his funeral I was overseas on some personal issues, but I made it known to his wife and family that my heart and prayers were with them.

Mr. Speaker, before I take my seat I want to offer my congratulatory remarks to Mr. Waleed Lightbourne. He is actually a neighbour of mine. He is one of the first—I think he is the first—male nurses that have graduated from the Bermuda College with his associates degree. And I talked to him a lot because we are actually neighbours. And I would like to associate the Minister of Health—

**An Hon. Member:** The whole House.

**Mr. Michael A. Weeks:** Well, actually the whole House. And when I say “neighbour,” he stayed in the same complex, he is really right next door to me so he would not let me rest if I do not take a minute to congratulate him on a job well done.

**The Speaker:** Good ahead . . .

**Mr. Michael A. Weeks:** You know, and for those few remarks . . . but oh! Mr. Speaker, before I take my seat—Mr. Lawrence Hendrickson. Those that knew him well in Back o’ Town area in Pembroke knew him as “Stickers.” He was like a mentor to us. When I tried to learn sailing, he was there. When I tried to learn Gombey . . . and I keep saying “tried to learn” be-

cause both sports were short-lived by myself in trying to learn them. But Mr. Stickers Hendrickson was instrumental in teaching a lot of us guys in Back o’ Town how we sail and dance with Gombey.

And Shaggy Dog Wilson . . . who does not know Shaggy? Okay? So I would like to—

*[Timer beeps]*

**The Speaker:** Ah.

**Mr. Michael A. Weeks:** —associate myself—

**The Speaker:** Time . . . time has passed.

Any other Member? I recognise the Leader of the Opposition. Ms. Gordon-Pamplin, you have the floor.

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

Mr. Speaker, I would like to associate myself with the comments of condolences to the family of Collins Smith, Marlene B-Landy, Larry Anderson (who is actually the father of one of my dear constituents and friends), Basil Carey, Shaggy Wilson (who we used to call “Sammy’s Boy”)—

**The Speaker:** Mm-hmm.

**Hon. Patricia J. Gordon-Pamplin:** —and Stickers Hendrickson.

I would also ask to be associated with the comments to the families of Deborah Tannock (who was a childhood friend and we lived not too far from each other), to the family of Larry Burchall, and the family of William Boyle.

I would like to extend special condolences and associate myself with the comments relating to the late Honourable Shawn Crockwell. Shawn Crockwell and I were tremendously interactive colleagues. He was an individual whom I loved dearly as a son. And I think the respect was mutual as I was able to determine from people who were in his close circle after his death when they were able to convey to me the comments that he had made concerning the relationship that he shared with me. That is something that I will eternally treasure and I am appreciative of the friendship as well as the ability to have gotten to know Shawn as well as I did.

Mr. Speaker, I would also ask that this Honourable House send a note of congratulations to Dr. Carika Weldon. Dr. Weldon is a 27-year-old Bermudian. She is a lecturer at the De Montfort University in Leicester.

**The Speaker:** You should associate the whole House on that.

**Hon. Patricia J. Gordon-Pamplin:** I would like to associate the whole House.

**The Speaker:** Yes.

**Hon. Patricia J. Gordon-Pamplin:** She is 27 years old, on the faculty of De Montfort University teaching medical biochemistry.

**The Speaker:** Mm-hmm.

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, Dr. Weldon will have the opportunity this Sunday to present . . . she has been brought in by Think Media under the auspices of Ayo Johnson and she is going to be presenting on molecular biology and cell . . . stem and cell work and the like at Bermuda High School at five o'clock this Sunday. I think that to see that kind of . . . not just development, but that kind of exposure for us as Bermudians—

**The Speaker:** Mm-hmm.

**Hon. Patricia J. Gordon-Pamplin:** —she is instrumental in creating a local charity called the Bermuda Principles charity. And I think she has done yeoman work and has put Bermuda on the map. Her prowess and her intellect are second to none and I believe that everybody, if we have the opportunity on Sunday, ought to go out and support this young woman as she brings the rudiments of her work to the people of Bermuda. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Any other Member? I recognise the Member from Warwick [South East]. Mr. Lawrence Scott, you have the floor.

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

I just rise to . . . I want to have this Honourable House send a letter of condolences to the family of Tanya Boyles who was a constituent of mine along Cobbs Hill Road. The Boyles family is synonymous with cricket in the—and Honourable Member Cole Simons would like to be associated—synonymous with cricket, and also she was one that when I first went around canvassing she gave me a hard time at first, but then said that she needed to put me through my paces just to ensure that I was deserving of her vote. And she always did hold me accountable and I thank her for that.

I also would like to be associated with the comments . . . the congratulations for PinkSand Entertainment—Mr. Jonathan Tankard and Zuri Darrell—and for their Made in Bermuda event. And I just want to associate the Minister of National Security and the Minister of Education, [and] the Honourable Premier as well.

And last, but certainly not least, I would like to just say a few words about the Honourable Member Shawn Crockwell, who I had the honour of being his Shadow. And I think that has probably been the best thing that has happened to my political career being as though . . . they say *iron sharpens iron* where myself with him being . . . as it has mentioned, he was the best debater in this House, me having to go toe-to-toe with him. And what happened was we would have our little political cut and thrust on the floor, but then afterwards he would come and help critique me and say, *Lawrence, you could have said this. You might have wanted to word it that way.* So, therefore, the skill that you see, Mr. Speaker, with me speaking on the floor of the House has been . . . is basically [due to] my mentorship through Shawn Crockwell.

**The Speaker:** Mm-hmm.

**Mr. W. Lawrence Scott:** Thank you very much.

**The Speaker:** Thank you.

Does any other Honourable Member wish to speak? I recognise the Member from constituency 28, Mr. Lister. You have the floor, Honourable Member.

**Mr. Dennis Lister III:** Thank you, Mr. Speaker.

First off, I would like to start by offering condolences to the family of Mrs. Karen Graham, a constituent of mine from Warwickshire Drive.

Next, I would like to offer congratulations to young Mr. Bakari Simons, a constituent of mine. He received a Government scholarship last month to continue studying for his master's degree at the British School of Osteopathy and aims to become the first Bermudian-born osteopath.

I would also like to offer congratulations to the former Chairman of the Road Safety Council, who I served on with, Dr. Carlton Crockwell. Yesterday he celebrated 31 years of marriage.

**The Speaker:** Mm-hmm.

**Mr. Dennis Lister III:** So I would like to offer congratulations to that.

Also, birthday congratulations—85<sup>th</sup> birthday earlier this month to my grandmother, Ms. Norma Showers.

And I would also like to associate [with] the condolences to Mr. Lee Holder. As a current football player, I have had the privilege of playing while he has been the referee or linesman. So I have had interaction with Mr. Holder.

Also, to associate with Shawn Crockwell, the many comments that have already been said about him. I did not know him personally, but I would like to associate with them.

Also, to Mr. Mota. His daughter and I are good friends and, as Mr. Tyrrell said, she lives in Hamilton

Parish, I believe, but she just felt the need to come volunteer at our school give-back. So I would like to pass those condolences on.

Also to another constituent of mine, Dr. Carika Weldon, I would like to also associate with the congratulations. She is, as the Honourable Member Gordon-Pamplin said, she is back on-Island to help in a forum on a ThinkFest. It is all local Bermudians. It is about eight or so Bermudians that have come back to give information and pass on what they have learned to local Bermudians. And as she said, at 27 years old, for what she has done at her age, we have to be very proud of her.

Also, last but not least, to the PinkSand Entertainment for their, again . . . what was it again? Musicfest? Mr. Jonathan Tankard is also . . . I went to school with him—high school and college—so I know him very well and I would just like to pass on those congratulations.

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

Any other Members? I recognise the Minister for Education. Minister, you have the floor.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

Mr. Speaker, first, obviously, I would like to associate with the comments for our former colleague the Honourable Shawn Crockwell. As a fraternity brother of mine I got to know Shawn in a different light than what we got to see up in this House and he was a dynamic, awesome person to know. And as from all of the wonderful words that have been said about him, he will be missed.

Mr. Speaker, I would also like to send a letter of condolences to the family of Jahcari Francis. That was a young man that was—and I will associate MP Weeks as well. I will associate the whole House—it was a young man whose life was unfortunately cut short with a bullet a few weeks ago, and his family is still reeling from that loss. Mr. Speaker, it happened to be almost one year to the day, I believe, where a murder occurred in the exact same house as well. And so there is a . . . while those wounds were still open, fresh wounds were reopened with that.

Mr. Speaker, I would like to send congratulatory comments to Barry Gibbons. Barry Gibbons is a young man in Devil's Hole who has organised a fun day called the Devil's Hole Family Fun Day that has grown exponentially in the last three years that it has been put on. And it is a wonderful thing to see young people such as Barry giving back to his community in the way that he has.

I would also have congratulations sent to Bailey's Bay Cricket Club, Eastern County Champion for 2017.

Also, Mr. Speaker, I would like to have congratulations sent to—and these are fraternity brothers of mine who celebrate 60 years of continual service to Bermuda and to the fraternity of Alpha Phi Alpha Fra-

ternity, Incorporated—that is brother Edwin Wilson; Leon Simmons; Cecil Smith; and of course the former Speaker of the House, the Honourable Stanley Lowe. And I associate the Minister of National Security . . . the—

**The Speaker:** The whole House . . . do the House.

**Hon. Diallo V. S. Rabain:** —whole House will be associated with that.

And lastly, but not least, Mr. Speaker, I would like to send congratulatory comments to Raleigh International. Raleigh International is an organisation that has done a yeoman's work in getting some of our young people interested in doing things very positive within our community. Just recently a few . . . and just about a week ago, their latest group of young people returned from Borneo. And that would be Asanté Darrell, Sarzjae Minors, Andrea Burrows, Keisha Butterfield, and Donnikae Baker, and Jawonday West. And that organisation deserves all the accolades that we can give it. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Is there any other Honourable Member? We recognise the Honourable Member, Mr. Famous. Mr. Famous, you have the floor.

**Mr. Christopher Famous:** Thank you, Mr. Speaker.

As a proud pond dog I would like to associate myself with the comments for Mr. David "Shaggy" Wilson and Lawrence "Stickers" Hendrickson, Sr. As we know, Mr. Speaker, the heartbeat of Bermuda is the Gombey drum and the Gombey dancers.

**The Speaker:** Yes.

**Mr. Christopher Famous:** And these two gentlemen carried the tradition from our West Indian heritage to this country and they made our country recognised, as the Honourable Minister De Silva spoke, recognised worldwide with the Gombey beat.

I would like to give condolences to Mrs. May Jokeman, the mother of Mr. Tony Jokeman and Mrs. Smith in the Bahamas. She is a constituent of mine . . . the other gentlemen want to associate themselves. I met her briefly before while canvassing and she unfortunately passed shortly thereafter. But I had the pleasure of singing with her—

**The Speaker:** Uh, uh, uh, uh.

Keep going, Mr. Famous, keep talking.

**Mr. Christopher Famous:** —prior to the election. And as you know, when we do canvass we often end up seeing people in the paper thereafter.

I want to give congratulations, first and foremost, to Angela Young who helped to coordinate work rallies to help to bring our schools up to scratch over

the last few weeks. She has helped to reignite the community spirit amongst parents and people in the community.

I want to associate and give congratulations as well to the Bermuda Regiment who have continued to serve our sister islands in the Caribbean in their time of need.

And lastly, Mr. Speaker, I want to give congratulations to our alma mater, the Berkeley Institute—

**The Speaker:** Very well deserved.

**Mr. Christopher Famous:** —for 120 years of providing legacy and leadership to this country, and especially Gold House.

**The Speaker:** Green House.

Thank you.

Any other Member wish to speak? I now recognise the Minister for [Government] Reform. Minister Foggo, you have the floor.

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker.

Mr. Speaker, I stand briefly to give condolences [regarding] a young man, Colin Smith, who recently lost his life. He worked for many years with the Corporation of Hamilton. Colin and his brothers and sister who are next door to me . . . and I can say that he was a fun-loving person and he will be sorely missed by all of those folks whose hearts he touched and indeed, no doubt, by his family.

Mr. Speaker, I also rise today to make congratulatory remarks to the Mirrors Programme which over the summer hosted a camp for young, I guess if you will, preteens, in their early teens. And that camp emphasized the value in interactive education, if you will, and indeed by looking at education through a lens of fun and in so doing learning the concepts in a manner that they could appreciate more and apply long term to their life skills. It was an excellent programme and it taught those young folks another way of handling information that they receive academically and using that to benefit them through various avenues.

So on that note, Mr. Speaker, I will take my seat.

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

Does any other Member wish to speak?

I recognise the Honourable Member, Jeanne Atherden. Mrs. Atherden, you have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to have condolences sent to the family of Mr. William Boyle. Mr. Boyle was one of my constituents and even though he had been away and not well for a while we, obviously, are saddened by his passing.

Also I would like to be associated with the congratulations for the PinkSands Entertainment. I went to that particular event with my sister and I must say she is not one of those individuals who takes you out on a treat like that, but we thoroughly enjoyed ourselves. And I was so impressed by the talent that we had there. And it just reminds me that Bermuda has so many talented individuals, and I must admit I had not seen Sia Spence for a long time.

And also, Mr. Speaker, I would like to be associated with the condolences sent to the family of Deborah Tannock. I knew Deborah a long time ago and we keep forgetting that we know lots of people in different circumstances and there is a tendency for us not to remember that we have much more in common that we deal with each other on a regular basis. And the things that might divide us momentarily are things that we should put in their perspective. Because if I can have a husband that sticks up for St. George's and I stick up for Somerset, we have to recognise that we have too much in common not to turn around and be appreciative of everybody.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

No other Member wishes to speak?

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** Before we move on, I would just like to acknowledge Mr. Place again. Congratulations were sent on to Mr. Place for his hundred—recently celebrated—100<sup>th</sup> birthday. And I feel it an honour to have you in our Chambers, Mr. Place.

*[Desk thumping]*

**The Speaker:** So I would like to join—

*[Inaudible interjection]*

**The Speaker:** —101, 101<sup>st</sup> birthday. Thank you.

We wish you continued good health, Mr. Place.

And, of course, I would like to be associated with the many remarks that were passed on to our former colleague, Mr. Crockwell. And, as has been said, his performance in this House will be one that we will remember for a long, long time and will be missed.

Thank you.

## 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

### GOVERNMENT BILLS

**The Speaker:** Yes, we have two Government Bills.  
Premier?

### FIRST READINGS

#### REAL ESTATE BROKERS' LICENSING ACT 2017

#### CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2017

**Hon. E. David Burt:** Good afternoon, Mr. Speaker.

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: the Real Estate Brokers' Licensing Act 2017.

Mr. Speaker, I am also introducing the following Bill for its first reading so that it may be placed on the Order Paper for the next day of meeting: the Corporate Service Provider Business Amendment Act 2017.

**The Speaker:** Thank you, Mr. Premier.

### OPPOSITION BILLS

**The Speaker:** There are none.

### PRIVATE MEMBERS' BILLS

**The Speaker:** There are none.

### NOTICES OF MOTIONS

**The Speaker:** We would like to recognise the Honourable Member, Mr. Commissiong.  
Mr. Commissiong, you have the floor.

### JOINT SELECT COMMITTEE TO INVESTIGATE, REPORT AND MAKE RECOMMENDATIONS ON THE IMPLEMENTATION OF A LIVING WAGE

**Mr. Rolfe Commissiong:** Thank you, once again, Mr. Speaker.

Mr. Speaker, I have the distinct privilege to give notice that at the next day of meeting I propose to move the following Motion:

**The Speaker:** Go ahead.

**Mr. Rolfe Commissiong:** WHEREAS it is acknowledged that the increasing maldistribution of national income has facilitated the growth of income inequality and thus incipient poverty to levels not witnessed in over seven decades;

AND WHEREAS, in addition, due to the near widespread utilisation of foreign sourced low cost labour over the last quarter century, wages in real terms once inflation has been factored in; have declined for many of Bermuda's workers;

BE IT RESOLVED, pursuant to the Parliament Act 1957 part IV, that a Joint Select Committee be appointed to investigate, report on its subsequent findings; and to make recommendations to the House of Assembly with respect to the implementation of a living wage regime for Bermuda.

Thank you, Mr. Speaker.

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

### ORDERS OF THE DAY

**The Speaker:** We are now at Orders of the Day where we will resume now with the consideration of the Speech which his Excellency the Governor was pleased to open this House session with last week. And I believe the Premier will now rise.

### MESSAGE TO HIS EXCELLENCY THE GOVERNOR

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

Mr. Speaker, may it please Your Excellency—I am reading this.

**The Speaker:** Yes.

**Hon. E. David Burt:** "May it please Your Excellency: "We the Members of the House of Assembly of Bermuda thank Your Excellency for the gracious speech with which Your Excellency was pleased to open the present session of Parliament."

**The Speaker:** Thank you, Mr. Premier.

Would anyone like to speak to this matter?

I think at this time we will recognise the Leader of the Opposition, the Honourable Gordon-Pamplin. Honourable Member, you have the floor.

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

**The Speaker:** The Replies are being distributed now.

## REPLY TO THE 2017 THRONE SPEECH

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

Mr. Speaker, I would first like to extend my deepest appreciation to the electorate who in 2012 provided the One Bermuda Alliance with the opportunity to serve them as government. While our term was fraught with challenges during the past four and a half years, exacerbated in part by the incompetence of the prior PLP administration which resulted in a mammoth financial hole from which the country had to climb, we did have many successes and launched initiatives that the new administration can build upon.

The One Bermuda Alliance, now the Official Opposition, extends our congratulations to the Progressive Labour Party on their success at the polls during the recent election.

We have committed to working along with the Government, and to afford them support for those programmes and policies that are deemed to be for the better good of the country, a courtesy that was exhibited infrequently while they were in opposition.

I wish to extend my congratulations to the hard-working colleagues on both sides of the aisle who worked to gain the trust of their constituents and to win their seats. Equally, within the Westminster system of governance, where there is a winner, there is also an aspiring candidate who fell short. Unsuccessful candidates deserve appreciation for their efforts in engaging their constituents and advancing the democratic process in Bermuda.

Mr. Speaker, our responsibility today is to respond to the Throne Speech, delivered last Friday, which was short on real solutions and long on studies. Government has said their Throne Speech outlines a vision for the future, but a vision without a plausible plan is merely a dream. Governments must be doers, not dreamers. The tenor of the speech suggests that government has either purposely elected to disregard the country's tenuous economic position or has chosen to continually misrepresent the achievements of the former OBA Government.

Rev. Jamaine Tucker, in delivering the opening prayer, quoted Charles Spurgeon's sentiment that "A lie can travel half way around the world while the truth is putting on its shoes."

In the opening statement the government boasted of their numeric advantage. With so many additional personnel, we trust that the backbench will be able to hold the administration to a level of accountability that was deficient during the previous PLP administration.

The deficiency was made manifest in the relentless pursuit of power by the PLP Opposition which denigrated the entire political process to a level perhaps unprecedented in Bermuda politics, resulting in their leader being subject to the criticism from his own membership that he operated with subterfuge and deceit.

Mr. Speaker, it is unfortunate that the same approach is being perpetuated through the Throne Speech in an attempt to negate the positive things that were done for our community by the OBA administration, cynically claiming that the OBA believed in trickle down whereas the new administration will focus on a so-called "ripple effect." The record will show that the OBA Government restored much-needed confidence in Bermuda. Due to the unprecedented debt and looming deficits created by the former PLP Government, the OBA moved quickly to rein in government spending and did so without the massive layoffs seen in other jurisdictions. The OBA also focused on getting foreign investment to stimulate job growth, revitalise tourism, construction, and business opportunities as well as diversification across a range of sectors.

The reference to crumbs from the table may appeal to the PLP base, however the reality is that when the OBA assumed government, there were no crumbs, the cupboards were bare, the table and floor had been swept clean, and little, if any had been made available to the people for whom they now profess to have concern. Good governance and accountability were also in short supply, as dramatically highlighted by the Auditor General in her various reports on government operations and finances.

Mr. Speaker, we saw the misinformation machine in full view when the stories grew like fish tales to cause the airport project to be depicted as some kind of sinister arrangement.

We heard the challenge to the Desarrollos group and the untruth that they would take the beach away from St. Georgians.

We saw it yet again when the OBA Government was accused of pepper spraying seniors, when it is known constitutionally, that government neither gives direction nor orders policing policies. We saw the cowardice when the leader of the PLP encouraged through robo-calls and blast emails for protesters to attend Parliament, then some of the attendees proceeded to push seniors into the line of fire when the police department determined that law-breakers should be challenged. We therefore wholeheartedly support a committee to investigate the occurrences of that dark and unfortunate experience that will surely highlight—

**Hon. Michael J. Scott:** Mr. Speaker. Mr. Speaker, I hesitate—

**The Speaker:** Hold on, hold on one minute.



Madam Opposition Leader, will you take your seat?

Honourable Member Scott, you have a point of order?

#### POINT OF ORDER

**Hon. Michael J. Scott:** Yes, if Mr. Speaker, you would recognise my point of order.

I am aware, as I know that the Leader of the Opposition is aware, that there have been reports in connection with this now “sacred” event of December the 2<sup>nd</sup> in the hearts of many people. And there has been no official report that is consistent with that egregious statement. And it is irresponsible to be contained in an Opposition Reply. It has no place in an Opposition Reply if it cannot be sustained with evidence, and I call on you, Mr. Speaker, to direct that Member to stop offending the basic standing order of this House of [imputing] motives and distributing information that is patently unsupported by evidence.

**The Speaker:** Thank you for your comments, Member.

As it is the written Throne Speech [Reply], I am going to let the Honourable Member continue with her written Throne Speech [Reply]. I am mindful of the concern that has been expressed and I would, if it was not a written speech, I might ask you to change your tone. But unfortunately—or fortunately, however you look at it—it is a written speech and it is going to be a long night. I am sure when the Members get on their feet they will have the opportunity to address their concerns.

**Hon. Patricia J. Gordon-Pamplin:** And they will, Mr. Speaker.

**Hon. Derrick V. Burgess, Sr.:** Point of order, Mr. Speaker.

**The Speaker:** Deputy, yes?

#### POINT OF ORDER

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, [Standing Order] [19](11)(d) says “It shall be out of order to use offensive and insulting, . . . disrespectful language.” And that is what the Leader of the Opposition is using.

Yes, even though it is a written record on here, those remarks must be withdrawn in the Hansard because we are not supposed to be here using that type of language. We want to have a decent decorum in this House. That certainly does not promote it. It is working contrary to what this House should be operating under.

**The Speaker:** Thank you for your view, Deputy.

As I said, on this one I am going to let it slide for the time being. If it continues to get worse, I will address it. But continue, Member.

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

We therefore wholeheartedly support a committee to investigate the occurrences of that dark and unfortunate experience that will surely highlight the substantive part played in the debacle by those now calling for an investigation.

We noted the PLP’s call for civil disobedience as being appropriate action, yet threw their hands up in disbelief when the situation they created spun out of control and resulted in physical harm to both protesters and the police.

Mr. Speaker, we saw the vilifying of the America’s Cup, an event that rejuvenated our tourism industry and helped a significant number of our people and businesses to obtain work, not for the short duration of the event, but during more than two years preceding, and the time following the event. We heard gross misinformation being perpetuated on a daily basis.

**Hon. Derrick V. Burgess, Sr.:** Point of order, Mr. Speaker.

Mr. Speaker, when—

**The Speaker:** Deputy?

#### POINT OF ORDER

**Hon. Derrick V. Burgess, Sr.:** —one gets up in this House and makes such accusations like this here, when she says that we heard gross misinformation. Then that information must be produced in this House. You cannot get up in this House . . . it is against the rules to make those accusations without producing the evidence. I would ask that those remarks be withdrawn.

**Hon. Patricia J. Gordon-Pamplin:** That is nonsense.

**The Speaker:** Mr. Deputy, I have asked . . . I have indicated I am going to give some leniency only because of what it is and we will hold off for the moment, okay?

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

We endured the constant barrage of negativity in the formation of the Bermuda Tourism Authority and the Gaming Commission, and the successful implementation of both of these institutions were a testament to the fortitude and the resolve of the OBA Government.

It is said that politics make strange bedfellows. We will watch closely the developments of the

questionable New York trip that was planned by an unlikely quartet with—

**An Hon. Member:** Point of order.

**Hon. Patricia J. Gordon-Pamplin:** —would be gaming operators—

**An Hon. Member:** Point of order.

**Hon. Patricia J. Gordon-Pamplin:** —to determine the purpose of their meeting at the Four Seasons—

**The Speaker:** Member, Member , Gordon-Pamplin will you please take your seat?

Do you have a point of order?

No?

Continue on, Madam.

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

Mr. Speaker, I will repeat. It is said that politics make strange bedfellows. We will watch closely the developments of the questionable New York trip that was planned by an unlikely quartet—

**Hon. Derrick V. Burgess, Sr.:** Point of order, Mr. Speaker.

Mr. Speaker, one cannot get up in this House—

**The Speaker:** Mr. Burgess, Mr. Burgess, I am going to ask you to wait until I recognise you first, Deputy.

**Hon. Derrick V. Burgess, Sr.:** I am sorry. I am very sorry, Mr. Speaker.

**The Speaker:** Opposition Leader take your seat. Deputy, you have the floor.

#### POINT OF ORDER

**Hon. Derrick V. Burgess, Sr.:** Yes, Mr. Speaker, one cannot get up in this House and make accusations such as that without, again, producing the evidence. You have got to—

**An Hon. Member:** You are desperate.

**Hon. Derrick V. Burgess, Sr.:** Nobody is desperate. It is desperation . . . this is a desperation Reply to the Throne Speech and I would ask that this be stricken from the Hansard, Mr. Speaker. We are going to be up all day if this type of language continues.

**The Speaker:** I will let her read on. I have ruled for the time being, Deputy. Thank you.

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

Mr. Speaker, this information was already published in the newspaper.

We will watch closely the developments of the questionable New York trip that was planned by an unlikely quartet with would be gaming operators to determine the purpose of their meeting at the Four Seasons, and the benefit to Bermuda, if any.

Mr. Speaker, the OBA inherited a government that was mired in debt, and through its fiscal policies, brought the country back from the brink of financial disaster, setting it on a glide path to a balanced budget. Admittedly, keeping the country afloat was our preoccupation when, within very short order of our election, the Finance Minister had to borrow more money to meet the payroll. Notwithstanding the paucity of funds, the OBA administration had significant achievements:

- advanced plans to develop a new homeless shelter at Bishop Spencer building;
- provided property and a start-up cash grant to support the Emperial Group's mission of addressing the anti-social behaviour of some of our disenfranchised youth;
- provided CashBack for Communities, \$650,000 from proceeds of crime given to dozens of community groups across the island;
- implemented Payroll tax relief for those earning \$132,000 per year or less, representing about three quarters of the labour force;
- maintained Financial Assistance at \$53.5 million, double the spend in 2008/09, showing concern for unemployed or underemployed;
- enabled Reduction in Standard Health Premium;
- provided In-Home care for seniors as a Standard Health Benefit;
- stationed ambulances in the East and the West end for quick emergency response;
- worked with BELCO to reduce facilities charge for low energy users;
- introduced Team Street Safe, a gang mediation programme providing support and direction for people involved in, or susceptible to gang life;
- introduced GREAT Anti-gang initiative courses;
- supported the appointment of a Bermudian Commissioner of Education;
- despite tight budget constraints, committed \$3.2 million new money for school maintenance;
- engaged in community consultation on Vision and Strategic Plan for education;
- enacted Public Access to Information legislation to encourage Good Governance;
- cut MP's pay by 10 per cent;

- encouraged the Endeavour programme—a legacy programme of the America’s Cup team Oracle, allowing every middle school child in Bermuda to participate in a combination of STEAM and sailing;
  - instituted a ministerial travel website to enable transparency;
  - updated the Human Rights Act to include sexual orientation and age; and
  - passed the Bribery Bill.
- In addition, there were other highlights, such as:
- commissioned the Fiscal Responsibility Panel to oversee government finances;
  - implemented the Tourism Authority which has shown positive benefits in air and cruise arrivals, and encouraged sports tourism;
  - implemented the Tourism Incentives Act;
  - provided the environment to encourage hotel development at Morgan’s Point, the Loren, and the St. Regis ground breaking, creating jobs for Bermudians;
  - returned cruise ships to St. George’s and Hamilton;
  - passed Gaming legislation;
  - enabled a new airport to be built, providing employment, entrepreneurial opportunities and professional development for Bermudians.

Mr. Speaker, the Bermuda Government continues to live on borrowed money. The electorate are not the only people to whom the government must answer. Bermuda’s creditors are expecting us to follow through with plans established by OBA administration to balance the budget by 2019 and thereupon pay down the debt. The expectation of sustained fiscal prudence is critical to continuing recovery as the government cannot wish away the immediate economic, financial and international regulatory challenges that we face as a country. Any deviations from that plan, particularly, vague and poorly defined efforts to kick the can down the road will be met with scepticism and discomfort by credit markets. It is crucial to understand that any further borrowing outside the road map already laid out will decrease our credibility in the credit markets, resulting in increased borrowing costs.

The Fiscal Responsibility Panel which meets in October will be looking for evidence that the plan is to continue the roadmap set out by OBA administration. Their report will not be swayed by local politics.

Mr. Speaker, we note the government’s immediate plan to increase personnel in the transport division, and their implication that the OBA failed to staff that department. Again, the stark reality is that this was the legacy of the previous PLP administration and the limitations on finance. Implementing the new bus schedule is an integral part of the maintenance strategy, whereby effective deployment of the buses

will enable some vehicles to return to the garage and be properly serviced. It is up to the government to ensure the schedule is activated. New buses have already been budgeted for, so to fulfil the commitment to bring new buses on line is not a new challenge.

Mr. Speaker, despite the storms that the OBA Government withstood during its term in office, and the toughness of some policies that were required based on the reckless prior PLP administration’s fiscal indiscipline, Bermuda’s international reputation has been vigorously defended.

The electorate has made it abundantly clear that some of our policies were disappointing to them, and we take full responsibility and apologise for those disappointments. We note the new administration has decided to approach governance differently, and has determined that people will be better served by consultations and studies and rehashing of things that have already been completed. It is important, nevertheless, to recognise that courage to define and implement policy must be a goal for effective governance.

Mr. Speaker, the Labour Advisory Council sub-committee, initiated under the OBA administration, not only deliberated, but just prior to the election, reported on their recommendations on the steps necessary to implement a living wage.

A further sub-committee was tasked with examining unfair immigration practices, and these reports are ready for dissemination which could alleviate the necessity to start again from square one.

Mr. Speaker, the initiation of a Commission of Inquiry into questionable behaviour by some people closely linked to the PLP administration had its genesis in multiple reports emanating from the Office of the Auditor General. Pursuit of any questionable activity arising there from, if left unresolved, would undermine our CFATF review, scheduled for next year, and impose reputational risk for our jurisdiction.

Subsequent to the election, the new administration has adopted a rather “Trump-like” approach to undo many of the actions initiated under the OBA Government. In respect of civil recoveries and some of the ensuing criminal investigations that have been initiated in rather high profile matters, we note the Attorney General’s decision to delist at least one of these cases. Failing to recover money that legitimately belongs to the people of Bermuda is a dangerous precedent, and to fail to hold to account those who have perpetrated such injustice on our people is not just unfortunate, it sets a dangerous precedent and can be interpreted as tacit approval. This hardly puts Bermudians first.

**Hon. Derrick V. Burgess, Sr.:** Point of order, Mr. Speaker.

Point of order.

**The Speaker:** Have a seat, Member.

Deputy, you have a point of order?

### POINT OF ORDER

**Hon. Derrick V. Burgess, Sr.:** Yes. When the Member says “to hold to account those who have perpetrated such injustice”—that is an indictment. That language needs to be removed from this Statement. That is a very serious indictment. You do not have the evidence—page 6, the last paragraph—if you do not have the evidence then you must withdraw.

**The Speaker:** Thank you for your point of order, Deputy.

**Hon. Patricia J. Gordon-Pamplin:** It is the Auditor General’s Report, Mr. Speaker.

### Policing, Criminal behaviour, Gang Violence and Traffic

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, as the OBA Government, we committed to work on solutions to help eradicate the scourge of gang violence. Notwithstanding the constant barrage of criticism from the PLP, we are still committed to continuing to do our part to help eradicate this anti-social behaviour, as this problem falls beyond the scope of Party politics.

The commitment to provide a Gang Violence Coordinator has already been undertaken; an individual was identified, and was ready to commence his duties. But in accordance with its Trump-like tendencies, we would not be surprised if the government changes direction or chooses another individual to perform this function. Whatever the decision, it is imperative that the individual be engaged forthwith in order to have effective direction in this vexatious matter.

In the last House session, decriminalisation of cannabis for amounts under seven grams, received a fulsome debate on a piece of very poorly drafted legislation which required several iterations to make it acceptable. We trust that the new proposed bill better reflects good legislative drafting.

Mr. Speaker, the government has committed to creating a Police Authority, comprising Government House, government, police and laymen working together to help establish policing priorities. We will wait to see how this will evolve and trust it will not lead to covert political interference in the Police Service doing their job. This initiative by the PLP Government to establish such an Authority confirms the reality that currently, government does not interfere with policing strategy, thus the misinformation given to the public implicating the OBA Government in the December 2, 2016 incident, needs to be corrected. It is very concerning that the operational independence of the police may be challenged by the new approach and this is a proposed policy that requires careful thought and

further consideration. The Bermuda Constitution clearly gives the Governor the sole responsibility for internal security, so for such an authority to have any executive power needs careful consideration.

Roadside sobriety testing to combat the scourge of drink driving has been well advanced and we support its implementation.

Mr. Speaker, we also note the promise of offering loan guarantees to clubs to allow enhancing of their infrastructure, but we acknowledge that such loans would require repayment. The government has justified this action by indicating that prior governments provided diverse guarantees for at-risk banks (we believe there was only one bank) and for hotel construction. The guarantees undertaken did not have a charge against the consolidated fund, and in the case of hotel construction, providing those guarantees assisted in the creation of jobs.

The OBA policy of giving cash back to communities that is derived from proceeds of crime, which has benefitted many organisations, would have a far less burdensome impact on clubs, and we believe is worthy of continuance.

Mr. Speaker, the government has promised to eliminate conscription. The OBA administration ended the annual conscription process, and the Royal Bermuda Regiment was successful in attaining a fully voluntary intake for the 2017 recruit camp for the first time in its history. We believed it be prudent to maintain a conscription option in the event of national emergencies should the numbers fall short, in order to truly enable safety and security of our people should the need arise.

### Finance

**Hon. Patricia J. Gordon-Pamplin:** We are fully supportive of the introduction of regulations for debt collection agencies and their aggressive practices.

Former Finance Minister Bob Richards has spoken several times concerning the unhelpful practices of some financial institutions in not assisting consumers when they are in need, and their attitudes of working against access for people to be able to finance their legitimate aspirations. We look forward to hearing the proposals that the government may be considering.

Mr. Speaker, the new government has promised to release the Caribbean Region Technical Assistance Centre tax report for public scrutiny. Contrary to insinuations by this government, there is nothing sinister in the report and it is pleasing to note that all the recommendations included therein, with the exception of V.A.T., have already been implemented.

The government says it will increase outreach around the globe by staffing the now defunct Washington, DC office and increasing engagement with the European Union in Brussels to ensure that Bermuda’s interests are represented as the UK leaves the EU.

Mr. Speaker, it is the Opposition's contention that there is little to be gained by the expense of staffing a DC office. We believe it more appropriate to retain an experienced DC lobbying firm and continuous outreach by senior government officials speaking directly to appropriate congressional people on Capitol Hill. Close coordination with ABIR is critical in this instance.

We would much prefer to see that energy and resources invested in immediate concern and action of going to Brussels, Paris and London to keep Bermuda off the black list that threatens our very existence. The PLP Government has failed to consider this urgency and thus far, has demonstrated a dangerously lackadaisical approach to addressing it.

Mr. Speaker, the government referred to the 2012 Code in respect of Project Management and Procurement that was left by the former PLP administration. It was determined that the procurement process required a stand-alone Act to address some legal issues inherent in that 2012 code.

All contracts over \$50,000 (changed recently to \$100,000), after recommendation by the OPMP, were required to be approved by the OBA Cabinet, and during this oversight process, it was a prerequisite for obtaining approval that the successful company had demonstrated a commitment to hiring Bermudian employees.

The OBA looks forward to examining the new code to ensure that the legal concerns have been alleviated.

### Health Care

**Hon. Patricia J. Gordon-Pamplin:** It was important for affordability and sustainability of our Health Care system to ensure that the Health Council implemented effective oversight. We harmonised the cost of Future Care premiums, and achieved a reduction in the Standard Premium Rate for the first time in nearly thirty years. This was achieved by careful consideration of high-priced technology importation and limits on reimbursement of certain diagnostic charges. We implemented the STEP programme to encourage exercise and the ensuing benefit that contributes to wellness, and embarked on an aggressive healthy eating advertising promotion.

We supported the opening of the privately-funded Radiation Treatment Centre at the Cancer and Health facility and support the government's promise to legislate coverage for these services for clients on HIP and FutureCare.

Mr. Speaker, we do note, however, the promise of a review of health care with the intended purpose of extracting savings throughout the entire system. We doubt that this can be achieved unless there is critical oversight coupled with legislated restrictions on self-interested behaviour, in keeping with international standards. The Health Council membership,

initiated by the PLP under their previous administration and deemed worthy of continuance by the OBA Government, is in the process of being reconstituted. We heard a call from some medical doctors that the Council should be overseen only by members of the profession, and suggest that any new appointments carefully consider the interests of the allied professions.

Further, we support the advancement and employment of Bermudians in the healthcare system to ensure that Bermudians, who are qualified for positions in healthcare, such as physicians, nurses, pharmacists, et cetera, are given every opportunity to be successfully employed. We must ensure that we continue with the registration of internationally qualified medical providers to provide care on island for our residents at the highest level of care possible for the best outcomes possible and to maintain care at home wherever possible.

The OBA Government also advocated for incentives for local construction companies and developers to build senior care facilities and to renovate existing ones. There is little mention of our seniors' population in the Throne Speech, but we in the OBA will not permit our treasured assets to be a neglected and forgotten segment of our population.

The OBA Government began implementation of new protections through work on changes to the Senior Abuse Register, nursing home regulations and formation of an office akin to a Public Guardian. We enabled Personal Home Care as part of standard benefit, thereby helping elderly and home bound patients to receive care in familiar and comfortable surroundings, and to save money. We also implemented a 5 per cent pension increase in 2016.

### Immigration and Labour

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, according to the Throne Speech, the government, working in tandem with the Department of Immigration, the Department of Workforce Development and stakeholders, will conduct industry-wide skills and needs assessment to identify areas where unemployed or underemployed Bermudians can be trained to fill or be promoted into jobs currently held by non-Bermudians. Much of this work has already been completed by the National Training Board through its work on the National Training Plan, which was developed under the OBA administration. The second, more substantive implementation plan was ready for dissemination, but for one small tweak which we trust will be completed and utilised for quick implementation.

### Occupational Pension

**Hon. Patricia J. Gordon-Pamplin:** We note the proposed update to pension legislation to require equal treatment for Bermudian and expatriate workers, while

also updating labour legislation to ensure that labour disputes are handled more effectively and labour rights are protected.

We support levelling the playing field for employment, and while it was initially thought that the one-sided pension application, which had been in effect for many years before the OBA administration, may create a disincentive to employers, we recognise that it is important to ensure equitable treatment for our Bermudian workforce.

### Passports

**Hon. Patricia J. Gordon-Pamplin:** The printing of passports for Bermuda residents has been assumed by Her Majesty's Passport Office (HMPO), a decision taken by the Foreign and Commonwealth Office for all overseas territories. The application and renewal process has become expensive, time consuming and frustrating, and has resulted in difficulty for our people to gain uninhibited access to the United States when entering from destinations outside of Bermuda. We would encourage the government to continue to work on achieving a realistic and appropriate solution to address this challenge.

### Immigration Reform

**Hon. Patricia J. Gordon-Pamplin:** The PLP Government has committed to a consultative process for immigration reform and the establishment of a bipartisan committee to overhaul the 1956 Act, as amended. For over a year, there has been a similar committee that has worked to fulfil the terms of engagement established between the Immigration Reform Action Group and the OBA Government.

Part of their work relating to adoption of children has been completed and committed to legislation, while the matter concerning mixed status families has advanced with significant public consultation and gathering of statistical data to conclude a position.

We trust that the government will allow this work to continue and to show sensitivity for children, families and persons with evidence of substantial connections to Bermuda.

### Education

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, the OBA strategic plan created a vision for education, developed by Bermudians, for Bermudians. It is based upon the core values of transparency, inclusion, engagement, and is community-driven. Accordingly, we are delighted that the PLP Government will continue the work initiated by the OBA Government, in regards to the new strategic planning exercise to transform the quality of education.

The OBA believes that it is right for the Government to continue to work with Bermuda College to

support the trades and STEAM programmes which are internationally recognised. We also share the Government's view that programmes of this nature should also be introduced in all of the primary schools, as they are already in the middle schools and senior secondary schools.

While not surprising, it is disappointing that the government did not acknowledge that the process had already commenced for the implementation of Wi-Fi services to our schools.

Both of our senior secondary schools have Wi-Fi services, and fully functioning IT infrastructure. One middle school is fully equipped, and another middle school has been adopted by one of our larger telecommunications companies who has agreed to provide Wi-Fi at that campus, free of charge.

Further, it should be noted the OBA Government had entered into an agreement with a new wireless internet company to provide Wi-Fi services to all of our schools. As a part of the remuneration package they would receive the rental of an arm on one of government's communications towers, and the placement of their antennae on the top of our school buildings.

Mr. Speaker, the repairs and renovations that are sorely needed in our schools were identified in the SCORE report that was commissioned by the OBA administration. The state of disrepair was the result of years of rampant neglect predating the OBA administration. The funding has now been budgeted, and we are pleased that the new administration will support addressing their neglect of our children and the crumbling infrastructure that they left.

The most radical change proposed by the PLP administration is the phasing out of the middle schools, which we have heard from them for the past nearly ten years. No education discussion should be had without ensuring that both teachers and principals are equipped with the tools to allow the best outcomes for our students.

We will await government's plan to ensure that our students have a seamless transition from Primary Schools to Secondary Schools to minimise further challenges for our students, both developmentally and academically. We suggest that the PLP consider developing and implementing a comprehensive transition process at Preschool through Primary 1, Primary 6 through Middle 1, and Middle 3 through Senior 1 to align with instruction to ensure student success, and that such transition process be evidenced by the report which shows whether our students have been negatively impacted by the system, or whether there could have been better teaching engagement to ensure their success.

### Business Development

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, the government has pledged to establish an Economic

Diversification Unit to include a small number of persons with a proven history of developing economies. While this programme is currently being undertaken by the Bermuda Business Development Agency, the Throne Speech is silent on whether this is government's manifestation of their controversial platform pledge to use government Pension Funds as seed money for start-up businesses. One ominous sign on this front is the recent peremptory replacement of the Chair of the Public Funds Investment Committee, the committee responsible for public pensions. We trust that the government will make known its intentions in this respect.

The pledge to transform the ACBDA (which was specifically formed for a particular major project) to the Bermuda Event Authority begs the question as to how this will work with services being provided by the Bermuda Tourism Authority.

The Incorporated Segregated Accounts (iSAC) legislation which exists in the Cayman Islands & Barbados, is a further development of the SAC legislation which was enacted in November of 2000. The further development was already under discussion with the BDA and industry sectors, and its implementation will have our full support.

The Tourism Investment Act was tabled for discussion in the last Parliament and should be easily translated to legislation and implemented. We support the continuation of these initiatives.

Government is reviewing energy proposals with a view to ensuring that Bermuda can realise the goal of reducing the cost of energy and the cost of living.

We are pleased to report the progress of the OBA Government on this initiative:

- Bids received, reviewed and a preferred vendor selected on a 6 Mega Watt Utility Scale PV facility at the Finger. It will provide up to 6 per cent of Bermuda's peak demand. The very attractive cost per KWH of the bid, is significantly below the current cost of BELCO generation, and will help to reduce the overall cost of electricity to rate payers.
- A Fuels Policy Paper was completed and approved by the last OBA Cabinet to facilitate the introduction and proper regulation of existing and new fuels, such as LNG. This will provide an opportunity to reduce the cost of energy through more effective regulation and oversight.

The progress made by the OBA Government in this regard would put the country in good position to maximise savings by reducing energy costs and, with the advantage of having a head start, the process can be implemented in the shorter term.

Mr. Speaker, a most interesting observation in the Throne Speech speaks to International events in Bermuda. Had the PLP Opposition not adopted such a churlish approach to the America's Cup, or had they

taken the time to discuss with their members who chose to take full advantage, they would know that unlike any event that they ever hosted in their 14 years, that event:

- created more than 500 Bermudian jobs across a range of sectors;
- created business opportunities for more than 80 small and large construction firms and subcontractors in setting up team bases and related projects;
- created additional income for hotels, restaurants, hospitality-related services, taxis, ferries, minibuses, wholesale, retail, marine services, shipping and forwarding, telecommunications, service providers, and real estate, to name but a few sectors positively impacted by AC35;
- accelerated the construction of Cross Island and the renovation of many historic Dockyard buildings as a platform for future events;
- created hundreds of rentals of apartments and houses, primarily in the west end;
- through work with the BEDC helped launch a number of small businesses;
- dramatically increased visitor numbers and spending;
- brought more than 90 superyachts to Bermuda—many for the first time;
- exposed more than 1,500 of our school children to the Endeavour programme and STEAM education;
- spread the economic impact over 3 years, as opposed to normal brief event;
- provided Bermuda with incredible experience and credibility to attract and host other international events (as an example, the World Triathlon Series WTS);
- created the catalyst for hospitality infrastructure development;
- received extraordinary live TV exposure that we could never afford to pay for;
- provided a legacy that every Bermudian can be proud of—Bermuda was celebrated on the world stage;
- enabled flawless execution by the ACBDA, Bermuda organisations, security services, government departments and many volunteers all working as a team, which can form the basis to bid for other international events.

### Miscellaneous legislation

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, the OBA produced Vacation Rentals Legislation which is ready for debate and we obviously support its passage.

Cyber Security Committee deliberations started over two years ago to address government's cyber

preparedness and institute the National Institute of Standards and Technology framework.

Consultation and meetings already commenced with private sector to review critical national infrastructure cyber preparedness (such as KEMH, BELCO, telecoms, et cetera) and a Cybersecurity initiative with private sector now headed by a Subcommittee of ECAB working under the former Ministry of Economic Development Department of ICT.

NIST Cybersecurity Framework Workshop previously arranged by OBA for September 20<sup>th</sup> with a visiting NIST cybersecurity manager presenting, plus panel discussions with private sector.

Missing from the legislative proposals in the Throne Speech are important matters relating to:

- the bi-partisan committee which discussed and produced the report of the Boundaries Commission;
- Absentee Balloting which was well advanced by the OBA administration in conjunction with the Parliamentary Registrar is ready for implementation;
- the drafting and enactment of Super-yacht legislation to facilitate future growth in this area;
- enacting Personal Information Protection Act, and facilitating the support system needed for it; and
- Broadcasting Reform—part of the second phase of telecommunications reform—to facilitate the production of more local content and address discrepancies between over the air broadcast and cable regulations.

### Summary

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, this Throne Speech proposes many initiatives that were well underway. In our view, a ground zero approach to implementation is costly and time wasting. Many of the committees that have been proposed to examine topics can utilise the work already done to move to the implementation stage.

We have expressed concerns with proposed legislation with which we have reservations, and have committed our full support for those that we deem to be appropriate and which enhance the good of our people, business partners and investors.

We wish this Parliament success with its deliberations, because Parliament's success is Bermuda's success. We are committed to a collaborative approach, and trust that the pettiness of politics takes a back seat to cooperative and constructive debate.

Thank you, Mr. Speaker.

*[Desk thumping]*

*[Inaudible interjections]*

**The Speaker:** All right. Sit . . . you, you, you, you, sit. Thank you.

*[Desk thumping]*

**The Speaker:** I will stand to my feet for one moment and I am going to take liberty at this time. I am going to compliment the last speaker on the tone in which her speech ended. But I am going to take address to the way it began.

In the last House there were a lot of occasions where there were innuendos and accusations that went back and forth in these Chambers without any factual base. We are not going to have that in this House. Let me say it clearly here today—it will not be tolerated. I allowed it today because it was in a written speech but from here forward it will not be tolerated. Understood clearly from both sides of the House . . . I am asking you to understand it; I will not accept it.

Now, we are going to continue on with today's matters.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** But before [doing] so, let me acknowledge the presence of the President of the Senate. I apologise for not doing it sooner.

## DEBATE ON THE 2017 THRONE SPEECH AND REPLY

**The Speaker:** As we proceed now the first speaker gets an hour to speak and all Members after that will have half an hour to speak up until seven hours, and then we go to 20 minutes for each speaker after that. So whoever is leading off . . . and I saw the Minister Brown, Minister Brown I am assuming you are going to lead off. You have an hour to speak.

You have the floor.

**Hon. Walton Brown:** Thank you, Mr. Speaker. That is very generous of you.

Mr. Speaker, let me first of all commend the Honourable Premier David Burt for the Throne Speech which was presented last week. It was a clear vision of what we want to accomplish for this country to benefit the people. It was robust in its identification of priorities and we set in that Throne Speech a clear path forward for what we wish to accomplish, along with the timeframe.

I think the public are generally pleased with that Throne Speech and what I intend to do today, Mr. Speaker, is address a few of the matters that relate to my particular Ministry.

I think I would like to begin, Mr. Speaker, with what I found to be perhaps the most telling comment



in the Honourable Opposition Leader's Reply. And I believe this will help set the context for what we intend to do on this side as the Government.

I refer to page 6, Mr. Speaker, the second paragraph, in which the Honourable Opposition Leader speaks to a level of disappointment on the part of the electorate, explaining why the election result on July 18<sup>th</sup> was as it was. The Honourable Opposition Leader also went on to say that "the people have determined that they will be better served by having consultations and studies and a rehashing of things that have already been completed." The final comment in this paragraph, Mr. Speaker, is where the Honourable Opposition Leader speaks to the need for "courage to define and implement policy" for the public good.

Mr. Speaker, the entirety of that paragraph exemplifies the attitude that the OBA Government had during their term of office. They did not have time for consultation, they wanted to identify courage in the delivery of policy decisions, but without consultation. And that led to a series of upheavals, which led to a crisis of confidence. That crisis of confidence produced the result on July 18<sup>th</sup>.

But I am not going to dwell on the Reply to the Throne Speech, Mr. Speaker. I am going to focus on what we intend to do and what we will do as Government. And I will only tangentially comment on some of the remarks made by the Honourable Opposition Leader.

Let me first speak to the issue of immigration, which falls under my remit, Mr. Speaker. Immigration, as we all know, has been fraught with controversy, division, it has a long and uncomfortable history of politically inspired, racially motivated, class-biased legislation. The former Government, without consulting the public, tabled perhaps the most incendiary piece of legislation this country has seen in a very long time. It led to an unprecedented level of civil disobedience. It led to the unprecedented shut-down . . . the shutting down of this Parliament by the people. It was an act of civil disobedience.

And for those who question the merits of civil disobedience, let me say here today that civil disobedience is an inherent part of a strong democracy. It is concomitant with a strong democracy. And when the laws do not reflect the interests of the people, the people have a right to protest, they have a right to rise up and to address it. It is democracy in action. Let us not get confused, Mr. Speaker, this institution which serves at the pleasure of people 3,450 miles away is not the embodiment of democracy. The embodiment of democracy is over there, and over there, with the people, and we forget that at our peril. The OBA Government forgot that and it was a perilous time for them.

So what are we doing with immigration? We were able to get the Government—the OBA Government—to push back on that disastrous, ill-conceived

piece of legislation and we set about having a Working Group, which I was a member of, to bring about a level of reform. But it was not comprehensive reform. It was a stop-gap measure to achieve a short-term objective, to prevent a Bill from being passed. And so the Working Group chaired by Mr. William Madeiros has done remarkable work over the past year and a half. But its work was focused on three aspects: the issue of adoption—sorry, four—the issue of adoption, the question of mixed status families, the rights and privileges which should be extended to PRCs, and the rights and privileges which should be extended to a possible discretionary grant of Bermuda status. That is the totality of the mission of the Working Group.

As Minister, I have directed that Working Group to continue to focus on those matters, but with a view toward identifying the principles by which policy can be amended and legislation can be amended. That is not the totality of the Bermuda Immigration and Protection Act 1956. So no one needs to be concerned that the work of the Working Group is going to be pushed aside. They have a mandate. They have until October 31<sup>st</sup> to come up with the principles by which those matters will be considered. And I am looking forward to their report and we will incorporate that into a further tranche of consultation, deliberation and policy development.

But the Immigration Act, Mr. Speaker, as you will know, is well over 100 pages. It encompasses far more than PRCs, Bermuda status, and mixed status families. And so this Government will engage in a truly comprehensive approach to immigration reform by looking at the multitude of other issues that fall under the Immigration and Protection Act. We will do that, as we promised in our election campaign and as we identified in the Throne Speech, we will do so by having a bi-partisan committee. I will be inviting the Opposition to participate in a truly collaborative manner to achieve the reform that we need.

We need an entirely new Immigration Act . . . [the current Act] is 1956. It has been amended to achieve limited sets of objectives, but in doing those amendments it has created an entirely complex, intertwined piece of law, which only a . . . and no disrespect to people in this particular profession, but it only enriches lawyers who are trying to find ways to find nuance and an approach to achieve things that were not intended by the law. We already saw where one particular development arose that was completely unintended by law. This House refused to adjust it. But we will make the adjustment, Mr. Speaker. We will consult.

The Opposition can dismiss the merits of consultation, but the more you consult, the greater the likelihood of buy-in, the greater the likelihood that you will have a harmonious approach toward improving legislation in this arena. Being strong and being tough by being petulant and refusing to listen only gets you in trouble with the people. We are here because of

people so we will work with the people. And who are the people, Mr. Speaker? The people come in all shapes and sizes, so they are the individuals who represent particular constituencies, but they are also the business community, the cultural community. We will work to address a multiple of issues.

Our approach is that Bermudians should come first in their country, but we also want to at the same time (and there is no inconsistency) . . . at the same time we want to ensure there is a robust environment for business growth, a robust environment for investment. But what is the point of creating a robust environment for business growth and investment if the very people who we are meant to serve are marginalised? The people felt marginalised under the OBA, Mr. Speaker. They were not disappointed, they were outraged. And to not accept that is not to accept the *raison d'être* for this Government, July 18<sup>th</sup>.

As we complete and proceed with our process toward immigration reform, Mr. Speaker, there are many other areas that need to be addressed. Work permit policy, for example. That does not fall under the remit of the Working Group. It is a completely separate issue. The current work permit policy created in 2015 was the creation of three individuals from the private sector. There was no consultation with the public. There was no consultation even with the technical people in the Department of Immigration. So what was the rationale? What was the thinking behind the formulation of that policy? To put business first and business only in a prominent position at the expense of the people, the very people who we are meant to serve. And therefore, Mr. Speaker, we saw an increased marginalisation of entertainers.

Under the previous PLP Government we had a policy in place that ensured that Bermudian entertainers had a fair shot at getting work, a fair shot. The 2015 policy of the OBA pushed that aside, marginalised the entertainers, so much so that they began to lobby, tried to influence the Government. But the Government never consulted them. In my first two weeks in office, Mr. Speaker, I met with the Entertainers' Union with a view toward identifying an appropriate response to what many of us see as a highly inappropriate work permit policy with respect to entertainers.

So when we talk about comprehensive immigration reform it includes work permit policy. We know that there is a level of concern expressed by some with regard to the requirement that employers must now submit police certificates when they make a work permit application. I saw some very harsh, reactive e-mails from people who were complaining about that.

Here is my response, Mr. Speaker. The 2015 work permit policy required that all employers must verify that the work permit [applicant] (the person who they want to give a work permit to) did not have a criminal conviction. That is a requirement. What is the only way of verifying that this person does not have a

criminal conviction? Well, sorry . . . I thought I was giving a lecture at Bermuda College . . . I do not expect anyone to answer. The point is that the only way you can do it is by having a police certificate. Even more so, Mr. Speaker, when the work permit application was submitted, the applicant had to tick a box to say they are in possession of that police certificate.

But the policy in 2015 said, *we will trust that the employer has it and there is no need to submit*. All we did . . . all I directed my technical people to do was to now request that the [certificates] which are already in possession of the employer be submitted to the Department of Immigration so that the Government can verify that people do not have criminal records, not the employer. We have responsibility . . . or Minister Caines does, for security matters, and we have to honour that and respect that.

Most employers have no issue complying because they have all submitted, they have all . . . they are all in possession of those certificates. The ones who are, shall we say, operating in the gray area, they would have concerns because some of them probably were not collecting police certificates. So now that is a requirement. And it is designed to enhance security and it is something that was easily implementable because people are already required to possess those certificates.

One of the other issues, Mr. Speaker, which needs to be properly and adequately addressed in terms of work permit applications, is the whole question of the statements of employment. Just this morning I reviewed an application for a caregiver. So the prospective employer wants to hire someone to take care of the elderly, having a particular skill set—administering drugs and so on and so forth. It is not an unskilled position, not by any stretch of the imagination. But this would-be employer had a contract offering to pay someone from an impoverished country \$11 an hour. An outrage, an absolute outrage! And in the past those applications had been processed. They will no longer be processed, Mr. Speaker, because first of all, you are getting highly exploitable labour at a rate that is just indefensible, firstly. Secondly, it makes it much more difficult for anyone to even contemplate hiring a local. Because if you can get someone from a poor country who is desperate to earn hard currency to send back \$50 or \$100 a month back home, you are never going to hire a local.

So when you protect those categories of employees you are also protecting Bermudian employees. But you are also ensuring that there is a minimum standard that we will accept for how we treat people in this country.

Now, some will see this as an impediment to business growth and so on. But not so. The good employers—who value their relationship in Bermuda—the good employers want to see prosperity for Bermuda and they value Bermudian employees. So just last week, Mr. Speaker, I met with a leader in the interna-

tional business sector and looked at his corporate structure—a very high percentage of Bermudians. But what was most interesting was that he had a training programme for young Bermudians who had minimum experience in the area to get properly qualified. So I said to him, *So you are able to take people who have no experience in reinsurance, train them, and give them opportunities?* He said, *Of course, we do it all the time.* And that stands in sharp contrast to some of the comments that I have heard from other people in that same sector who say there are no longer any entry-level positions in the reinsurance world. So what is it?

We want to see fair treatment for everyone. And anyone who does not believe that we need to have a fair, responsible, and responsive work permit policy does not believe that we need to treat people right. But this Government will treat people right, Mr. Speaker.

Mr. Speaker, I would like to move on to the area of labour, which falls under my remit. We know there is a need for a collapsing of some labour legislation because there are far too many pieces of labour law, some of which are contradictory, that we need to bring into one document. But this is not purely an administrative exercise. We do not change laws just because it is easier to utilise. We want to change laws because it makes for better governance. But we have laws now that need to be enhanced to give greater protection to workers and ensure that workers are treated fairly. And you may hear an emphasis on workers because in a non-unionised environment workers have a one-on-one relationship with employers; they are in an inherently weakened position.

If you know any . . . well, Mr. Speaker, you would know a lot. But those who understand the history will know that the progress in this country for workers has come with the trade union movement, unmistakably. You do not need to go back far. Look at the formation of the Bermuda Workers' Association under Dr. E. F. Gordon, who has a daughter who sits as the Opposition Leader. And so the House knows well the contribution of Dr. Gordon, who, through his inspiring leadership, helped to create the first trade union legislation in 1947 and led to the template for all kinds of reform to come later.

The seminal Employment Act 2000, passed under the PLP Government, provided for a base of rights and privileges for workers, but we need to do more. We need to do more because when you have hard economic times, the employers know workers are weak; the employers know they can do things that weaken the ability of workers to make progress.

I have on my desk, Mr. Speaker, as we speak no less than 10 matters that need to be adjudicated by a tribunal or an arbitration panel. I am hoping that we can find a way to get beyond that, but there seems to be a litany of cases that come up because of an inability of workers, management, to figure out what the

challenges are and come to a solution. But we have a process for resolution. Unfortunately, it is just prolonged. Some of these cases go back more than five years. That is unacceptable. So we need to address that.

While we do so, Mr. Speaker, we also need to address some of the labour practices that are simply unacceptable. I had a meeting in the last two or three weeks with the members who represent employers. And employers are telling me, Mr. Speaker, that they have identified a whole series of labour practices which need to be addressed. I challenged them to take the initiative. *Rather than wait for Government to do everything, why don't you take the initiative to address some of these challenges?*

I will give you two examples. One, the issue of creating a set of requirements that you know no Bermudian is going to meet in order to bring in certain people—that is one. Second, that is pervasive and needs to be addressed, is the issue of gratuities in hospitality—not, I might add, in a unionised environment, because in a unionised environment, Mr. Speaker, all the gratuities go to the workers. In a non-unionised environment, it is very spotty and we have many examples where employers take substantial portions of the gratuities for themselves. But the definition of a gratuity is very simple is it not, Mr. Speaker? You show gratitude to those who served you. You do not show gratitude to the people who own the business; it is the person who serves you.

I can tell you many stories, Mr. Speaker, of people who work in hospitality—in restaurants and other places—who . . . the restaurant could be busy all week and their pay is the same as it was when the restaurant was slow. So the gratuities are not being paid.

But not all employers do that. There are some employers who give virtually all of the gratuities to the people who are working on the floor. A small percentage might go for . . . 5 per cent might go for some administrative matters. But that is the standard that we need to have in place. We need to bring back dignity in the workplace. We need to bring back dignity of work in all areas. We should not be making these distinctions between what is called unskilled work and highly skilled work. All work is dignified.

I proudly say, Mr. Speaker, that my mother was a waitress and my father was a bartender. We had a good living in the hospitality sector. So much so that I was able to get my lunch money every single day off of my father's dresser. So it is dignified work, but you cannot treat people in ways that denigrate the work that they do. And part of my responsibility in labour, Mr. Speaker, is to ensure a higher standard of conduct and a higher standard of performance for both the management as well as staff.

Mr. Speaker, one area that causes great concern to people particularly during hard economic times is the whole question of the manner in which the debt

collection agencies conduct themselves—a very, very sore matter for many. So imagine someone being in an unfortunate enough situation where they cannot meet their financial obligations. So they get sent to a debt collection agency because they are struggling financially—maybe they are under-employed, maybe they are unemployed. But they go to the debt collection agency because when they sign off on something . . . everyone just signs without looking and reading when they want to make that purchase, or maybe they were overseas for a while and did not realise about the data roaming on their phone and their bill all of a sudden is \$1,300. My good friend and honourable colleague, Minister Wilson, said, *It sounds like it is a personal matter.*

[Laughter]

**Hon. Walton Brown:** I did one time have a \$700 bill. I was not very happy about it because I did not quite manage my phone properly and it automatically went on data roaming, but I took care of it.

[Inaudible interjection]

**Hon. Walton Brown:** Sorry?

[Inaudible interjection]

**Hon. Walton Brown:** Yes, I did.

But Mr. Speaker, the issue is that you have people who are in dire financial circumstances who are beset with these outrageous charges by the debt collection agencies—in some cases as high as 70 per cent. And it just baffles the mind that the courts validate this . . . I am sure a lawyer is going to say, *Well, you signed off on it and therefore you knew your obligation.* But something is fundamentally wrong when a company can extort 30, 40, 50, 70 per cent interest on debt that you have incurred. So we will do something about that.

In contradistinction to what the Opposition Leader has said, we are not going to just consult on that. We are preparing legislation as we sit here today to deal with that matter. It is an outrage and they need to be brought under control. There is no current legislation dealing with the debt collection agencies, so we will address that with a level of urgency. It is not something that needs to be examined for long periods of time. It is outrageous and it will be addressed.

How am I doing for time, Mr. Speaker?

**The Speaker:** Thirty-four.

**Hon. Walton Brown:** Thirty? Thirty-four, okay.

So the next area that I want to focus on is the issue involving the municipalities, a vexing issue which raises the issue of the frailties of democracy,

shall we say, because we have had a rocky road when it comes to how to deal with municipalities.

The old system was one in which only property owners could vote for the people who ran the Corporations of St. George's and Hamilton. It was an old system reminiscent of the bad old days in Bermuda when you could only vote in our general elections if you owned property of a particular amount. So that system had to be changed. You have to move away from a system in which people who live in a defined area, in a corporation, did not have the right to vote simply because they did not own land. So we changed that and gave all residents the right to vote. The vote was taken away from the property owners so those who lived there could vote. That led to a very democratic framework for the administering of the corporations but, as I said, it raised the issue of the frailties of democracy. And I will leave it at that.

But Mr. Speaker, the subsequent change led to the businesses getting the vote back alongside the residents. And so that created a hybrid model of “democracy” (quote/unquote) in which business owners voted alongside residents. That did not raise questions about the frailties of democracy; it raised questions about the very essence of democracy that we would have businesses having the right to vote. It is not a practice that is widely in place. I believe there are one or two cities in Australia or I think Vancouver has it, and I am sure someone will get up and identify another city, but it is not a wide practice where businesses get the right to vote. So we are now beset with a challenge.

This Government will commit itself to, again, a consultative process. We will consult with the public; we will consult with stakeholders to identify the most appropriate framework for moving forward in terms of the relationship between the Government and municipalities. There is no inherent, preconceived position as to what it should be. But in terms of the objective, we want to ensure that there is a defensible framework in place, one that is rooted on integrity and responsiveness fiscally to ensure that the corporations can be and can realise the potential that they have; i.e., an embodiment as an economic engine for the development of this country.

We have the waterfront close by, Mr. Speaker, which represents a wonderful opportunity for economic development. We have had many proposals put forward, but currently it is not seen as a priority by the current administration at City Hall. It is not a priority. But if we are to make real progress in terms of economic development it needs to be developed.

But what is the ideal framework for achieving that? We will come to a position, but our position will be rooted in consultation and collaboration. We will invite Her Majesty's Loyal Opposition to participate in that dialogue. We will invite them to help shape that policy. And I will take the Honourable Opposition Leader at her word that she wants to work with this

Government to ensure what is right and best for this country. How we handle the municipalities will be a wonderful place to start, Mr. Speaker.

I want to move on and talk a little bit about food, fish, plants, and vegetables because the environment and food sustainability is a critical part of what we have to address in this country. We import almost everything in terms of food. Well, we import almost everything, particularly food. But we do not have food security.

There was a container ship that was damaged, was it in New Jersey last week? And we had no fresh fruit. Oh, we had fruit which had been sitting in the freezer for a long time which some grocery stores were trying to put out as fresh fruit. But we had very little by way of fresh fruit because one ship was damaged and could not come to Bermuda one week. That shows the fragility of our society when it comes to food sustainability. So we need to make focused efforts to not just expand the availability of locally produced food, we need to find ways to increase the yield per square hectare or per square mile of food production.

I met recently with a young couple who have embraced some new technology that I first saw in New York where you take a container—a 20 by 40 foot container—and you have it equipped with all the appropriate technology to be able to produce food using solar panels and the UV light and so forth. The research shows that you can generate up to 10 acres of food per container. So I have encouraged them to proceed. I know they need to find some space to put the containers. I would not like to see those containers all on arable land, even though currently it is permissible to be on arable land. And so I will work with my Honourable Minister Burch to identify some publicly available space for this innovative technology. And if more people could do that, Mr. Speaker, through private enterprise, that will help to address, to some extent, the fragility of our food sustainability.

We do not do enough and we need to look at ways in which we can address it. Part of the step along that way is to protect some of those spaces that are open. Developers want to develop and they do not always care about what is arable or what is restricted land. They just want it to be rezoned so they can develop. We are already one of the most densely populated countries on the planet at over 3,000 people per square mile. We already have a limited amount of open space for any kind of arable development. And so one of the matters that we will bring to this House in the coming year is legislation to ensure a legal protection of open space because currently there is ministerial discretion in terms of what is open space and what is arable land, and people can make appeals to the Minister to have things waived.

I believe, and we believe, that it is absolutely essential to try to find a way to properly protect open space, both for arable land and open space—period—

for future generations. We should not be myopic, we should not be focused only on this generation, but we have a sacred duty to develop this country for the entirety of our population and for those to come. And the fact that I have the endorsement of the Honourable Member, Cole Simons, who I think has a vested interest because he just wants open space to ride around on his horses.

*[Laughter]*

**Hon. Walton Brown:** You might be a bit conflicted there, Honourable Member, but we can talk about that later. But we need to address that very seriously.

We need to figure out what we are going to do about our fish stock. That is a key part of food sustainability. Right now, as a researcher, I was shocked to find out that almost the entirety of our fishing policy is based on self-reported data by fishermen. How do you formulate policy based on self-reported data? Every fisherman has to have . . . to be a commercial fisherman you have to put in 800 hours a year out at sea fishing. And so, okay, I am a commercial fisherman, so here are my 800 hours. We have no way of verifying it. Here is my catch. We have no way of verifying the catch. But there are scientific techniques to properly and carefully assess the available fish stock in a geographical area. Iceland is a pioneer in that and I have directed the technical staff to identify the appropriate modality so that we can properly do an inventory of our fish so that when we formulate policy it is based on fact and not self-reported data.

How on earth could you formulate policy on self-reported data? It is like . . . it is tantamount to doing a survey based on people who just self-complete surveys. You have not done a random sample so your results are inherently unreliable. If you are going to spend money from the taxpayer, we need to be sure that we have adequate, reliable data on which to do that.

The question that we face in terms of monitoring our 200 mile Exclusive Economic Zone [EEZ] is we do not really know who is fishing in our waters. We do not have the capacity now to properly monitor it. You will hear anecdotal stories of fishermen or boaters who see these large vessels out in our waters with all kinds of insignia on them, but we have no proper way of knowing who is out there and what they are doing. Because those who want to violate our EEZ, all they have to do (I do not know the textbook term, but you will get my drift, Mr. Speaker) is turn off the indicator that . . . what is it called?

*[Inaudible interjection]*

**Hon. Walton Brown:** A transponder, right. All you have to do is turn off the transponder and then do what you have to do. We have seen tracking data where a vessel's transponder was working fine, as

they get close to Bermuda it goes off, and then maybe a day or two later the transponder comes back on. So we do not know.

So I am very, very grateful to hear the Honourable Minister for National Security say that we are going to give the Regiment a greater policing or assessment capacity on our waters. Because there is no point in having an Exclusive Economic Zone if that Exclusive Economic Zone is not giving you any economic benefits. So we will work in tandem to try to ensure that we can get a proper count, a proper assessment, so we can formulate policy that benefits us.

And there are, Mr. Speaker, great opportunities for Bermudians to partake in the fishing industry. We have not done a whole lot with long-line fishing because there are a whole lot of environmental concerns, but there are models of sustainable long-line fishing, and we need to explore it. We need to get out of our shell and believe that we can adjust policy and make changes to move in new directions.

Mr. Speaker, let me talk a little bit about Planning and the Department of Planning. There has been much concern about the delays in getting permit applications approved. Part of the reason is that the previous Government froze so many positions. There are six vacancies in Planning. So you can freeze positions, you can show how you are reducing the size of the civil service, but if the price you pay is inefficiency, if the price you pay is a level of inertia that does not facilitate or encourage economic growth, how is society benefiting other than to say, *Oh, we reduced the size of the civil service?*

I will not comment too much on the areas outside of my Ministry, Mr. Speaker, but I have to make this one point and I hope I do not offend any of my colleagues. But you cannot say that you are reducing the size of the civil service if all you have done is take taxpayers' dollars and give it to a private sector entity or an ostensibly private authority like the BTA, like this disastrous, corrupt influenced Aecon, like ACBDA. All of that represents taxpayers' money to entities that are substantially private in their essence. But yet you say you can show a reduction in the size of the civil service. So we suffer in the civil service because of inefficiencies.

The private sector takes taxpayer money and blossoms. I would like to do a comparative study. I wonder if the Honourable Minister of Tourism would even consider this, I would like to look at what the current strength is in terms of numbers of the BTA compared to the former Department of Tourism, as well as the level of middle management in the senior level positions. It would just be an interesting exercise. I have no idea what it is.

*[Inaudible interjection]*

**Hon. Walton Brown:** And the Minister would like to look at the hiring practices.

So there is a lot to look at, Mr. Speaker. But when it comes to the issue . . . I diverged a little bit because sometimes you get caught up in the moment, but the point is (to get back to Planning) that there is an inadequacy of staff. You have one person for the whole Island who goes around checking to ensure that the electrical installations are to code. How is that even defensible? *Well, we are showing government efficiencies, we are going to cut back.* But cutting back at the expense of service delivery cannot be a good thing. So I have directed my staff to hire to fill those six vacant positions because people want to start developing, building, and getting moving on their projects. So they will do that.

We also, Mr. Speaker, will make adjustments to legislation. Yes, we will consult, yes, we will assess, but we will also act. We will make adjustments to legislation so that those who wilfully violate Planning laws are duly and properly held to account because the current practice is . . . I can go and build something tomorrow and not get a single bit of Planning permission. I could build a house tomorrow without Planning permission. And then when Planning comes around say, *Oh, yeah, I didn't apply for that permission, but listen, I am going to put in a retroactive permission,* and Planning considers it. Well, who would not do that? Many people have done that, Mr. Speaker, because the Planning enforcement powers are too weak.

So, as we go forward, those who wilfully violate Planning laws will find that they will not just be beset with a demand that they apply for retroactive approval; they will be told to take it down. You cannot wilfully violate the laws without consequence. So we will toughen the legislation with respect to Planning to ensure that those who do such things will face a much harsher penalty. It is the right thing to do and we will put it in place.

*[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]*

**Hon. Walton Brown:** We also are going to adopt a more flexible approach, Mr. Deputy Speaker—nice to see you in that seat—we will also adopt a more flexible approach when it comes to aesthetics. I do not understand why there is this belief shared by so many that every single building and every single house needs to look the same, have the same sort of template or structure. What is Bermudian? We need to try to make some adjustments to the 21<sup>st</sup> century.

I recently dealt with an appeal of a matter in which the neighbours opposed someone's new design because it had too many windows. The fact that this actually came to my desk was disconcerting because that should not even be a basis for an appeal, that the design is too modern and has too many windows. So we will try to create a level of flexibility to ensure that

Bermuda can enhance its image and look a little bit more 21<sup>st</sup> century in its approach.

Mr. Speaker, the last issue that I will address relates to the issue of the Registry General. Recently that was a matter of focus in the media because of a decision I made with respect to an appeal. You will know that Preserve Marriage, which in 2016 was duly registered as a charity, had its charitable status revoked in 2017. There was no material difference in the activities and focus of that charity between 2016 and 2017—none whatsoever. The Charities Commission decided that the charitable status should be withdrawn and, therefore, they lost their charitable status. Preserve Marriage had sent in an appeal. That appeal reached the Minister's desk on June 12, 2017.

Mr. Deputy Speaker, you would know that [on] June 12, 2017 the One Bermuda Alliance was still the Government, and you would know that the current Opposition Leader was then [the] Minister responsible for such appeals. That matter sat on the desk of the Minister and was not addressed. On June 18, [sic] when I became Minister responsible—

*[Inaudible interjection]*

**Hon. Walton Brown:** I said July. July 18<sup>th</sup> when I became Minister (or shortly after when I became Minister) I had to deal with that matter. That matter was dealt with as all other matters are dealt with in this Government. We look at the law, we listen to the tactical input of the technical officers, and then I as Minister (or any other Minister) render a decision. The appeal by Preserve Marriage was granted and they were re-awarded their charitable status.

I want to put on record for this Hansard and this Parliament, Mr. Deputy Speaker, that it is obvious to all (but for the record I will say it), Ministers do not make personal decisions. So irrespective of their—or they should not be making personal decisions—they should consider the law, they should consider policy, and they should consider the advice of their technical people. Preserve Marriage conformed with the law. The law regarding charities says a charity can have a religious purpose. They have a religious purpose. And for all those who expressed vocal condemnation of that decision, I would ask them to consider whether or not they believe the law should be ignored and one's personal position should prevail.

If we allowed that to happen, Mr. [Deputy] Speaker, we would have chaos and anarchy. We would have arbitrary power. And it is the very notion of arbitrary power that people have opposed throughout history. We have laws, we have rules, and we embrace those. What I did find disconcerting is that there are many matters that people consider to be of vital importance to a country in terms of rights and privileges. The Government says that you have to look at what the current policy is and the current law. So I stand by my decision, Mr. Speaker. I know it caused a

great deal of concern in some quarters of the community. It led to celebration in other quarters. But that decision was made dispassionately. And were the same facts to present themselves to me tomorrow, I would do exactly the same thing.

So Mr. Speaker—I am sorry, Mr. Deputy Speaker—I want to conclude by saying the Throne Speech represents a vision for the future. It lays out a very clear set of policies and legislation that we will implement in the next legislative year. We are committed as a team to doing so. We fear not the difficult choices. We fear not the challenge that besets us with respect to the economy, with respect to a litany of legislation (and I did not even talk about dog policy today and I did not talk about the fertilizer issues that pop up) because the public are preoccupied with issues on a multitude of levels. But we will confront those challenges head on, Mr. Speaker. We will assess those issues with great deliberation. We will get insight, we will get understanding, we will get the research done and we will deliver.

Our mandate from the people is to act on their interests on their behalf. We were elected to do so. And over the next legislative year and years to come, Mr. [Deputy] Speaker, this is precisely what we will do.

*[Desk thumping]*

**The Deputy Speaker:** Are there any further speakers? The Member from constituency 19, you have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Deputy Speaker.

I know you want us to talk a little bit more about this Throne Speech and response, so I wanted to take the opportunity to do so. And I just want to say to everyone that I am actually pleased to stand up today, to rise as the Shadow Minister of Finance, because it gives me the opportunity to talk about financial issues as opposed to some of the other things that I might have talked about in the past. And I think everybody realises that anybody that is in this House here is doing this because we want to serve the Bermuda populace and we want to do things to make the lives of Bermudians better. And so I just want to say that from the get-go.

And I just want to set some parameters and ground rules for me personally. By my nature I am a solution-driven individual. I like to look at consensus and I like to come up with what I call a win-win situation. By profession I am an accountant, which means that I am used to using resources effectively, I am used to trying to make sure that things balance, make sure that there are controls, and I am looking at, very importantly, I believe, measuring success by the outcomes that you strive to achieve.

With that I also have what I call a family background that says you should work hard, you should

live within your budget, you should stay to the task, and you should make sure that you live within your means. So all of these things frame my outlook as I look at being the Shadow Minister of Finance and I also look at the government budget.

So, I look at the Throne Speech as not so much the budget right now, but whether you like it or not, everything that we talk about has some sort of budgetary implications. So the Premier/Finance Minister has told Bermuda about what is going to happen under the PLP Government. And I understand that and I accept that. But I also recognise that when I went through and looked at the Throne Speech, I was struck by a . . . definitely an indication of the vision for the future. But I did not see as much of what I thought would be the clear policies. Now, I will accept, maybe after hearing the Shadow—I mean the Minister of Home Affairs—stand up and talk about some of the things, maybe as we go on today more of the Ministers will talk about some of the policies. Because obviously the policies are happening back at the home ground, but it did not manifest as much in this Throne Speech as I thought it might.

And that being the case, normally in the past we have seen some clear indications of things that would be done. And so when I looked at the Throne Speech, I saw lots of things that indicated there were going to be collaboration, people were going to go back and have a committee to look at something and to move things forward. Now, I cannot tell anybody how to operate because everybody has their own way of doing things. I guess for me I am one of those people that likes to try, and what I say, touch it once, especially when you go through and you look at a lot of these items where they are all . . . things are already in train. They are either equivalent committees that are out there that you might have the opportunity to say, *Okay, where are we*—discuss with the technical people—*where are we in this? Is it far enough that we can live with it and move it forward?* because you are never going to have perfection. But a work in progress allows you many times to get on and deal with the solution, especially if you believe that some of the things are important to have happen.

Okay, so my only concern was I saw so many things where it said *this committee was going to be put together*, they were going to go out and get these individuals involved, et cetera. I accept the fact that broadening your consultation and getting people involved is a good thing. But I also think that I would like to suggest to the Government that maybe you might want to jump start some of these things and say *we have progressed this far with what the former Government had produced*—because remember we were not doing this in isolation, we did have technical people there that were advising us, et cetera.

So it might be an opportunity to say this is an issue, it is important enough to the country, let us see where we are and, therefore, let us talk about leverag-

ing this where we have gotten so far and moving it forward so that we might be able to get some deliverables. Because I think the people of Bermuda want to see some of these problems solved and, therefore, deliverables might be of importance and significance to them. And I just want to say that.

I also want to indicate that this is the framework that I want to set going forward, because I will have the opportunity, obviously, as Shadow Finance Minister to talk about many more financial things. And as I say, everything we do, whether [or not] you like it, somehow it has a financial little tag in there.

I recognise that in my role in Opposition now I had some choices as to what type of role I was going to play. And, Mr. Deputy Speaker, if you will allow me for just one minute, I just want to quote something right here because I think it sets the framework. I realised that I could be a constructive Opposition or a disruptive Opposition. And I looked and I thought how does one define a “constructive” Opposition? And I found something which I think really, to me, sets the framework on what one should want to do. This was from a [man] by the name of Rajendra Kumar Solanki who indicated that a constructive opposition would ideally emphasise more on discussion, ask more questions, look at resolution of problems faced, helped in amendments and passages of bills. That they will also unite with ruling governments on issues of national interest. As well as that the Opposition must warn or bring in focus issues that the government is not addressing effectively at its level. And I think that is fair enough.

I would also indicate that a disruptive Opposition opposes everything for the sake of opposing. Well, that is not the way I operate. To me, it is essential that the Opposition play a watchdog role, especially concerning financial matters and the need to stimulate democratic and public debate. So that is the role that I want to do. I want to represent a strong Opposition. I do not want us to be a weak Opposition that could lead the ruling government into being complacent. We know that you have the numbers. That is why I was quite intrigued today to hear the shadow backbench asking a number of questions about what had happened on statements that had been made. I must admit (facetiously) those questions, the way they were asked, were very much framed to make sure that you did not, if you will, challenge the statement. But they were designed to get a point across as it related to what had happened in the past.

But I would like to think that going forward when things come up, that the backbenchers of the ruling party will take the opportunity, when something comes up that they believe is important to them, that they will ask questions if they do not understand—

*[Inaudible interjections]*



**Mrs. Jeanne J. Atherden:** Mr. Speaker, Mr. Speaker, I am indicating that we on our side will definite—

*[Inaudible interjections]*

**Mrs. Jeanne J. Atherden:** We on our side will also do that.

Mr. Speaker, we will turn around and we will make sure that, as the Opposition now, we will do so. And I am . . .

All I am suggesting is . . . and I have lamented to my colleagues that it would have been an opportunity for backbenchers, regardless on which side they are on . . . and when I say backbench . . . if you are not a Minister or if you are not one of the Shadow Ministers, remember that there is a role that everybody plays in terms of getting information and making sure that the Government is accountable.

Now, Mr. Deputy Speaker, I also recognise that when I started to have some discussions about my response to the Throne Speech, I am dealing with finance and I wanted to be able to give some of my comments, my opinions, as to what had happened. Unfortunately, the Throne Speech, while it lays out some of the things that the Premier and the Finance Minister and the ruling party intend to deal with, there is a flavour of things that happened that are just not here in the Throne Speech. The flavour is what is happening out there in terms of the statements and what has been made.

So I have been a little concerned when . . . before the Throne Speech the Premier and Finance Minister was talking about things that he might have to do because he was indicating that he might have to borrow money because something had come up and it was an overrun. And I thought, *Oh, am I going to have to, as the Shadow Finance Minister, remind all of us that the OBA actually had indicated that it was on-track before the election to balance the budget by 2019?* And then to start to pay down the debt. And it is important that we remember that because the debt is so significant and balancing the budget is so significant to Bermuda turning around and getting itself into a situation where Bermudians can turn and have the benefits of what we have done.

So, I was a little concerned when there was an indication that there might be borrowing just because there were some items that might not, at this early stage, have been accounted for.

Now, I must admit that, as my Leader pointed out in our remarks to the Throne Speech, that it is not only important to us, but it is important to Bermuda's creditors that our economic recovery goes as expected because they are looking and hoping that the revenues are going to materialise, the expenses are going to be where we think they are, and also the projects and priorities that we put will actually be delivered. Because it is not just about the money, it is ac-

tually about the programmes that we are actually talking about.

So, I was pleased when in Wednesday's paper the Premier and Finance Minister . . . it said (and I am reading the headline, so I am not being disrespectful) *Burt explains funds for Throne Speech plans*. So, I am relating this back to the Throne Speech in case some people over there who work with him were not sure what I was talking about. I am saying that it is important because we have to understand that the programmes that are in here, the vision is going to cost money. And at the same time we have to make sure that we can find the funds that are going to be available for these things. But as I keep reiterating, we have to make sure that the outputs and the things that we want from this we deliver. Because money spent without delivering the goods or giving the people of Bermuda what they need is, to me, a waste of money.

So I am pleased to hear that. But I also get a little concerned because sometimes I hear something that seems to be a commitment to spending money and making sure and then the next minute I hear something that almost says, *Well, okay, we need that and therefore we are going out and borrow money*. And I am sure we all understand that borrowing money is . . . you cannot borrow your way out of debt. You have to turn around and you have to save and you have to turn around and make sure that you put yourself on a firm footing.

Also I must admit, Mr. Deputy Speaker, that, you know . . . so when I saw this Speech and the questions being asked I thought, *Okay, he intends to fund a number of initiatives through existing money*. And so that, to me, said maybe I could feel happy and the Bermuda public could feel happy that there was going to be a prioritisation because he actually said (if you do not mind me quoting here), "we're not looking to expend extra funds, but the role of Government is to reprioritise funding, and there's been places and times where we've found some funding which can be stopped and can be used for things to accomplish this Government's priorities." Which to me was . . . I said, *Right on!* because I believe that this is the way governments [should] do and that is the way successful governments perform.

So when I saw that I thought, *Bermuda public, this is looking good*. And from my perspective of deciding that I am going to try and be a constructive Opposition, I felt encouraged.

Now, I must admit though . . . I have to say that he sounds like he is going to follow a good fiscal policy, but I have to worry because if there is a reversion to borrowing to manage budgetary needs, this will take Bermuda back to the dire financial situation that we inherited, unfortunately, when the PLP came into power in 2012 . . . when the PLP left and the OBA came into power in 2012. So, if we are going to stay in economic shape by 2019, then the Minister of Fi-

nance/Premier has to look at ways, as he said, to find savings and to reprioritise.

Now, the reason I want to emphasise this is the fact that if everybody remembers when we talked about some of the things that the OBA did and, whether you like it or not, the OBA did do some things that were good, some things that will have some lasting benefits. You know, I am at least sensible enough to say that we are not talking about everything that we did, but anything that we did I believe we did with the interest of making things better. I do not think that we had any mal-interest. And that is the point that I think . . . there is a difference between not achieving everything you want [and] having mal-intent.

And so, Mr. Deputy Speaker, there are three things that I just want to point out because I think that they tie into what has happened with respect to what the OBA did and what should happen going forward.

In terms of the significant achievements (because this is important) we implemented the payroll tax relief for those earning \$132,000 per year or less. That represents three-quarters of the labour force. I believe that is important because we know that a lot of people out there at that lower end were hurting. And I can tell you personally, I had conversations with the Minister of Finance because I knew (with my accounting hat on) that it was important for us to be balancing the budget and it was important for us to not do anything . . . and to hold tight purse strings. But I also knew that we had to try and do things to help those people who were hurting.

So when we were able to turn around and do this I felt encouraged. Now, does that mean I wish we had been able to do more? No, it means that we started and I would like to think that if we continue to keep this budget balanced we will be able to do some more things.

Also, I think it was important that we understood when we first came in that we were going to try and create the jobs and that would help those people who were on financial assistance to get off. Unfortunately, that did not result in what we wanted. So, we had to then turn around and maintain the financial assistance and we doubled it up to the \$53.5 million . . . the spending doubled over the 2008/09 because that was our concern for the unemployed or under-employed.

I am glad to see the suggested change about what we are going to do in terms of people who are on financial assistance and if they try to get a hustle or a small job. I am glad to see that we are going to turn around and not force them off. That was something that we had in our platform because it is all about . . . when I was on the doorstep you are talking to people saying, *We don't want to be on financial assistance; we would like to get off of it. But if I do something then they turn around and say I'm cutting you off.* So this was a good reflection and a good initiative because we know that Bermudians are proud people by and

large who want to work. They do not want handouts. They want to be able to say, *If I work for this, I have got money.* And they want to feel proud when they go home to their families, regardless of what job they are doing. They want to feel that they are appreciated and they will do a good job. So, to me, I was pleased that this was happening.

And also with respect, obviously, to our seniors and the people at the other end, I was pleased that we were able to come up the reduction in the Standard Health Premium and provide the in-home care for seniors as a standard health benefit.

There is another thing that we did that I think people will not understand totally how it is benefiting them, but the proof will be in the pudding, not just last year but in the year coming up. Because we commissioned the Fiscal Responsibility Panel to oversee government finances. This was important because it enabled us to turn around and you have someone that could come and look and give us, what I call, a bit of fresh eyes and come up and make some recommendations. Sometimes you can get so close to the action that you can get tunnel vision. And so I believe it was important that we had this Fiscal Responsibility Panel.

And, Mr. Deputy Speaker, I just want to observe two things. This is the Fiscal (financial) Responsibility Panel. There are statements from 2015 when they came with their report, right? So that was the last time they were here—2015. They are coming back in October and they said that “reducing government debt and debt service costs mitigates” the risk which is . . . and they were talking about . . . there was a concern that “the current level of government debt—combined with very large potential liabilities from government guarantees” could actually create shock. And they were saying that “reducing government debt and debt services costs [could] mitigate these risks and make the island's economy more resilient to [any] such shock.”

And I think that is what we want. We want our economy to be more resilient. Bermuda . . . we are not going to suddenly be able to grow any big forests, we are not going to get more land, so we have to turn around and we have to start looking at all of the types of industries that we use so that we can be more resilient. But they did say that . . . they did talk about . . . they suggested “in 2015/16 there was a current primary surplus and in the current year the debt to revenue ratio is expected to fall slightly.” And they acknowledge that these were “important milestones,” but they also recognised and told us that they “endorsed the Government's aims of achieving a balanced budget in 2018/19; and over the longer term meeting the targets set for the ratios of debt and debt service.”

And I say that because not only are our creditors expecting this, this Fiscal Responsibility Panel also knew that this was what you had to be on, if we are going to be on the road to recovery. And therefore

it is important that they also reminded us that it was important for us to raise our revenues by 3 per cent of GDP and it was also important to make sure that we had the balanced budget by 2018/19.

So, as I say, I am pleased when I hear the Premier and Finance Minister saying that he is going to look at some of these things. It sounds good.

The one thing that I must say that I did not see anywhere, I did not see an indication of whether the current Government was going to actually progress the General Service Tax. And because . . . remember there is an expectation of some more revenue changes, some payroll tax changes that were supposed to come into—

**Hon. Walton Brown:** Point of clarification.

*[Crosstalk]*

**Mrs. Jeanne J. Atherden:** I will yield, in the collaborative manner that I am thinking about.

#### POINT OF CLARIFICATION

**Hon. Walton Brown:** Honourable Deputy Speaker, the Honourable Member will know that matters involving finance will come with the budget and this is a Throne Speech deliberation. That is ill-suited for this forum.

**Mrs. Jeanne J. Atherden:** Mr. Deputy Speaker, I would have said that. But in view of the fact that this morning we heard so many things about supplementaries and things that one would normally not talk about until budget in February, I take the position that, *Hey, let's get real about this.* Okay? So right now every time someone comes up and they are talking about new programmes . . . they are talking . . . this vision has new programmes, they are talking about new people that are going to be employed, they are talking about other things . . . this is going to result, potentially, in more expenses unless there is a commitment to turn around and to try and control the costs.

So it is, and as I said before I started, everything that we do, whether we like it, has some financial impact. And, therefore, that takes me to the other thing that I just wanted to remind ourselves, that critical to balancing the budget is the continued control on the civil service spending. Now I know that the Minister was just up a minute ago, he was talking about positions being frozen and the price you pay is inefficiency or inertia. I just want to say to you that the other side of freezing positions is also the opportunity to think outside of the box and come up with different ways of doing things and, as a result, be able to turn around and produce the goods with less than you had.

I am not saying that you can use this for everything, but I also have a concern . . . and I am saying this to the Government and to the Government Minis-

ters. Please look at your open positions because it is not just about freezing stuff. Many times it is by the time you actually get to recruit these posts . . . the recruitment process is fraught with time delays. Therefore, as I have talked about touching things earlier, if we are able to turn around and improve our recruiting process that will also help our efficiency. And I know that everybody wants to deliver the goods. So it is not just about open positions. Many times positions are funded . . . because I looked at some of the things that are in the Throne Speech and it talked about hiring different persons, and I went back and I looked at the Blue Book and I said, *There are a number of these positions already in there*, which means that they could have been hired because the money was in there and the funding was in there.

I am not going to turn around and get into a discussion about that because I just want to say, as we go forward, controlling the spending, try and look to see whether there are other ways in which we can find the goods or the positions because sometimes it is reallocating positions because if we do not control the spending we are not going to be able to get that budget under control.

I must admit, and I have to say that I think the thing that caused me some worry was [when] the results were put out for the first quarter and it indicated that the revenues were up. The expenses were down, but yet there was in one particular area something that . . . it came in over budget so it was . . . there was a concern that there was a budgetary increase. And it was written that they might have to look at borrowing. And I thought, *Hey, whoa! You're only three months into the budget, it's already indicated that your revenues are up and your expenses are down.* Most times persons take the long vision and start to talk about, *Hey, what can we do to re-jig something in the next nine months to see if we can turn around and get ourselves . . . ?* Because, as I said before, budgeting requires us to look at things so that you do not want to turn around and borrow, especially if you are in a situation where your revenues were up and your expenses were down.

Now, I know that everything is not a straight line, that it does not come in nice little lumps. But I am certain that, you know, we should be looking at things a little more closely and we should be trying to say, *What can we do to make sure that we produce these plans?*

Because, as I say, the Government has its . . . it is their requirement to come up with their vision, to produce these things that are going to help the people of Bermuda. And a lot of them we support because they were things that we were already doing. So you will not find us objecting. But I do say to you what you will find us doing is being watchful about how they are implemented and raising questions about whether they are delivering on the goods.

I say that because I am more . . . and I would like to think that I could say to all of us. I am focused, not so much on expenditure right now; I am focusing more on the outcome. I believe as we go forward we should be talking about what we tried to achieve and whether we achieved that outcome, not how much money we spent. We have had a tendency to look at money and not whether we . . . and I worry that when I—

**The Deputy Speaker:** You have got one minute left.

**Mrs. Jeanne J. Atherden:** One minute?

I worry that when I see that, you know, you have a programme and the people who least need it are taking advantage of it.

So all I want to say is the fact that . . . for me, I want to be sure that the vision is there, that the programmes are going to be supported. I will be a constructive Opposition, especially as it relates to finance. I will speak up about things that I believe are not going to deliver because it is important for us to make sure that Bermuda goes forward and that we turn around and we do not go back to a situation where we have a bad outcome. I thank you, Mr. Deputy Speaker.

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

Any further speakers? The Chair recognises the Member from constituency 6.

**Hon. Wayne L. Furbert:** Thank you, Mr. Deputy Speaker.

First off, I would like to congratulate our Premier and commend the Premier and his team for such a great Throne Speech. It was stimulating, invigorating, and you have never heard so much clapping from those who were in attendance. I have not heard that as long as I have been in politics. Now it may have happened in 1998. I excused myself from visiting in 1998, it was a bad year for me, and I did not attend. But every year since then I have been there and I can tell you right now that I am sure that everyone who attended realised the clapping from those in attendance were applauding the Government for the message that was being sent in the Throne Speech. As a matter of fact, there was so much clapping I thought I was going to have to be there for at least four hours because every sentence was being applauded.

So, Mr. Deputy Speaker, I am not going to stand here and let the Opposition lecture us on what we should do. I do not know if they realise that on July 18<sup>th</sup> they were fired. In other words, the public said, *We do not like what you're doing. We don't like what you're doing!* So why am I going to stand here and let the Shadow Minister of Finance lecture us on what we should or should not do? As a matter of fact, we should not be even listening to what they say. And the Opposition Leader was telling us what legislation that

we should bring forward. I am not interested in hearing what they have to say, to be honest with you. We have got 24 Members in this House and you have got 12. As a matter of fact, very soon you will be run out . . . you will run out of people who are going to speak, so—

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Well, you know, Mr. Deputy Speaker, the Opposition Leader has not changed. She has not changed. She says—and the word starts with “A”—as much as she was before. She was arrogant. In other words, I did not want to speak out and say something else. And that is why the people rejected the Government. And despite [that], on the Saturday before the election, they all thought they were going to be winning. In fact, the *Royal Gazette* had us losing . . . it was like somebody realised that they were on the wrong train.

So the Government has presented a vision and, as I said, when they presented the Throne Speech, even the Governor was clapping by . . . because he was sweating so much.

So, Mr. Deputy Speaker, what has the Government presented to its people? And the priorities stand what the people asked us to do. This Throne Speech prioritised the issues that we will grow—international business, inspire our children, protect and respect our seniors, restore confidence to our public education (and the Minister of Education will speak soon), and ensure Bermuda is in the best place to meet the challenges of the modern information age. We know what the goals are. Do not try to tell me at the end of the day what we are supposed to be doing.

Let me speak to one in particular. The Minister said that all we were doing in the Throne Speech was setting up these commissions or setting somebody to be talking about it. There are action plans within this particular Throne Speech. The Government said that it will re-establish the Bermuda First Think Tank. That is not a setting up . . . that was talking about . . . let us set up something so we can work together. What they fail to realise, Mr. Deputy Speaker, is that they lacked consultation for five years. They thought that they were the all and be all. They thought it was them—*it was just me*—the frontbench. And I warned them sitting over in that seat. That is a bad view over there. I remember sitting over there last time. It was a bad view, those who are looking across from me now. When we sat over there looking . . . and I warned them that they were going to lose the election. Every week I said they were going to lose it. They kept looking at me like I was talking nonsense.

**Hon. Patricia J. Gordon-Pamplin:** And you are so great, what Ministry did they give you?

**Hon. Wayne L. Furbert:** The Honourable Member said that they did not give me a Ministry. We have so many good batters on this side that it was not my turn to bat.

**Hon. Patricia J. Gordon-Pamplin:** Yes, okay.

**Hon. Wayne L. Furbert:** But you are lacking so many batters, which this is why you never changed your backbench.

And the Shadow Minister was a Minister every year. Every year the Minister was changing—Minister this, Minister that—you never knew what ministry she was in.

**Hon. Patricia J. Gordon-Pamplin:** Clever.

**Hon. Wayne L. Furbert:** So that shows that the Minister . . . the Premier was lacking concern about where she stood.

[Crosstalk]

**Hon. Wayne L. Furbert:** So but I am not going to deal with the Opposition Leader. They lost. They got fired. And that is accepted. Okay?

So the Government said they were going to set up a think tank and that is important. We have to combine our talent with our international businesses and our labour partners and just ordinary individuals, or where do we go forward from here? Because we recognise that we do not have all the answers on this side, as much as they thought they had all the answers. So we have to be sure that we are working together and moving Bermuda forward.

Now, a Tax Reform Commission . . . it is high time to accept that the tax system in Bermuda may not be working for all of us. And so the Government is saying we are going to set up a Tax Reform Commission. Now, it may end up being exactly where we are, but we recognise that there are individuals out there that are probably not paying the proportion of taxes they should be paying. And I am always giving an example to the Minister of Finance of this one. And my honourable colleague on my far right agrees with me, that individuals who own businesses around town, own buildings around town, have what they call this London lease. In other words, all the expenses are passed on to the person that is leasing the property—every single bit.

So if the rent [I charge] is a million dollars, I get a million dollars because everything is passed on [to the renter]—land tax, corporation tax, and so on. But maybe, maybe, maybe they should pay a portion of that \$1 million rental income that they have been collecting all these years. There is nothing wrong with that.

So, there is nothing wrong in looking at tax reform that we are considering. Why should a person that owns 99 houses not pay something when the av-

erage Bermudian who makes \$1,000 pays taxes on everything they own? Now, I am not talking about income tax. We would never . . . do not get up and talk about Wayne . . . the *Royal Gazette* prints that Wayne Furbert talked about income tax, like they talked about independence and my friend and honourable colleague, Senator Hayward.

I am not talking about that. I am talking about a fair tax system so we can do some things better. So the Shadow Minister of Finance is talking about she is worried about the revenue side, we are too. And we are saying maybe there are some revenue portions that are missed. And so by just arbitrarily . . . and the Minister looked at the tax last year and said, *I will give up 9.5 per cent for our international business*, and the projection was, I think it was, 11.5 [per cent] in the next budget in 2018. And then they had a Corporate Service Tax, I believe, that was coming on. But why would Appleby and some of the accounting firms . . . maybe they do not do the work here. They do the work somewhere else and that is not being charged that corporate service fee. We may even lose business for providing that type of tax charge.

So what we need to do is sit down with the industry and ask what is in the best interest of us moving forward. My Premier and Minister of Finance has said that payroll tax is a disincentive for hiring people. That might be true, you know. That might be true. And so can we find a way to either decrease payroll tax for hiring people or remove it? I do not know, but that is why we need to set up a Tax Reform Commission to look at it. It is time. It is really time; we have been in that system for 400-plus years.

I am not sure that anybody has ever sat down and looked . . . and if they did look at it, they always looked at it [from the perspective] of how they will not be hurt. In other words, those who had the additional money have always found a way of ducking and weaving, where the average person . . . you always say, *Well, how can I ensure that either payroll tax goes up and the average person gets a hit*. So I applaud the Government for being creative and looking at ways going forward instead of doing it the piecemeal way that the OBA Government did last year.

I mean, there comes a point in time where the international business has to consider and, like I said, it went from 9.5 per cent this year to 11.5 per cent—that was the projection for the former Government—I am not sure whether the current Minister of Finance will do the same. There comes a point where the international business asks, *Is it worth it?* High electricity costs, high food costs, high rent costs, high taxes, *why am I in Bermuda? I might as well do that in some other jurisdiction*. There is beach and sand and sun somewhere else. Some of the same things that we have . . . these places have mastered some of the things that we have put in place—some of our own tax structures, some of our own legal requirements to make sure that businesses run effectively.

We are not the masters of this anymore. We are not. People now can do their business from home. That is why we have got people in India doing business for Bermuda, whether it is on IT or whether it is doing some reinsurance business. I know a company I was looking at and they told me that they were, you know, you have got to train these guys out in India. Times have changed. So we have got to make it . . . and, yes, they had the 30 per cent deferral or tax . . . they are only paying tax on—

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** No, not on . . . on the premiums that are written. There comes a point where you say *Oops! Breakeven; I am going over. What is the sense? What is the sense of being around here?*

So why we are saying this, then? What we want to do is make sure that everybody is happy. We want to make sure that international business is happy so they can hire more of our people. Why are they sending a lot of people back over? I know you accused the Progressive Labour Party for years for a policy that was put in place. No! The competition changed, the rates became very difficult to deal with, all despite that we have these storms happening in Texas and other jurisdictions—like Florida or wherever—the rates are not there. They are not getting the premiums that they used to get. So we have got to find a way to ensure . . . and then we have got to look at . . . I will touch on that later on. So we have got to move forward and look at our whole tax reform system.

Well, vacation rentals. The [former] Government says we have done this vacation rental legislation, you just laid. Well, we may not agree with what you wrote. As a matter of fact, what you were talking about . . . I remember some discussion took place. We may not agree with what . . . why I am going to lay down what you laid? You got fired. There is a new sheriff in town; there is a new Minister in town. He has got to get time to take a look at it and see whether he agrees with it, whether Cabinet agrees with it, whether caucus agrees with it. That is how it works in our system.

I do not know how it worked with you guys. But we may not agree with your legislation. So I do not expect the Minister to say, *Ah! The OBA did legislation on vacation rentals*, and he just takes it up and lays it before Parliament. It is not going to happen.

What we have said is that we will have a light touch on a regulatory approach. Yours may be tougher, I do not know, making it hard. At the end of the day, people will not want.

They passed the Tourism Investment Act. And I will tell you right now when I was Minister . . . no, in 2012 we talked about revitalising the tourism legislation with the one that we had. I had been out when it was done by David Allen, the late David Allen. That

was a long time ago, in 1998 or 1999. So some changes had to be made. So what took you so long from 2012 to 2017 to bring this particular Act to Parliament? And you still have not brought it. So now the Minister has to take a look to see whether it is in keeping with the policies and the programmes and the advances that the Progressive Labour Party stood on. Is it putting our people at a disadvantage more than what we want? I am not just going to lay something down so at the end of the day the Minister can say, *I'm going to take a look at that and bring it forward.*

Now, establish an Economic Diversification Unit. I think that is brilliant—brilliant! Brilliant! I mean, we put together the Bermuda Development Agency, which is currently existing, which looks at current businesses. It looks to make sure that international business is happy. It makes sure that shipping and aircraft, and making sure the captives and everything else are in place. So what we are saying now is what we need is an established Economic Diversification Unit to make progress . . . and they plan to make progress on this urgently. And it says, “This permanent organisation will consist of a small number of persons with a proven history of developing economies. Their mission will be to identify new opportunities for economic diversification”—we have to diversify our economy. We just cannot rely on reinsurance, that is shrinking . . . it is a shrinking market, everybody is buying each other out.

So we lose our staff and our people are sent back because they do not need all the staff anymore, Bermudians are laid off. So to create this Economic Diversification Unit . . . and it could be a technological park down on Southside, it could be something else. But this body will take time and sit down and look at what can be done and introduced in Bermuda. I think that is brilliant, brilliant! I congratulate the Minister of Finance and Premier for coming up with that idea.

Now, Mr. Deputy Speaker, price control. Now, do not expect . . . do not run around and think that we are going to force . . . you know, we recognise that the market has to work, okay? The market has to work. But explain to me why a watermelon that costs \$15, you cut into one-eighth pieces and they cost \$8.

*[Laughter]*

**Hon. Wayne L. Furbert:** And then you cut it into a little piece and that is \$4. Can someone explain it to me?

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** I went down there and I wanted a piece of watermelon. I just wanted a piece of watermelon, all right? First of all, it was not ripe, and that threw me off. And then my cousin stopped and talked to me about a subject that everybody talks about, I did not want to talk about that today.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** I am talking about my cousin who said, *I am your first cousin. I want to talk to you.* [I said] *I ain't talking to you.*

So my point is it is \$15 for a piece of watermelon and that, Mr. Deputy Speaker, they cut into eighths and they put it on a shelf and it is now \$8. Can somebody explain to me why that is not a rip-off? Should we not be looking at that? And then there is a little small piece that is like a triangle, which was about—

**An Hon. Member:** Bite size.

**Hon. Wayne L. Furbert:** Yes, bite-sized. And it would take one bite . . . one bite and it is \$4. Something is wrong with that.

**An Hon. Member:** That is the labour cost of cutting it.

**Hon. Wayne L. Furbert:** That is what it is. I said that is . . . is it only me that finds it wrong? I cannot even go and buy a full piece of watermelon without being . . . and I see \$15. Well, here is a trick. I will tell all the Bermudians how to do it. What they do is sometimes they take the half watermelon, you find two halves and put it together and they will sell it to you for a whole one. So find a piece . . . that little small piece and put a little piece and glue it all together and they will sell it for \$15. I guess that is what somebody will do. But that cannot be right, Mr. Deputy Speaker. So I congratulate the Government for moving for price control on how that will work.

The other thing I want to speak to, Mr. Deputy Speaker, is the idea of a living wage. That is clearly something we have got to do. Now, I must admit it is not the easiest thing to come up with. I do not think everybody expects tomorrow that their salary is going up 50 per cent. I do not think we should be picturing that. So I look forward to the committee that is being set up by the Honourable Rolfe Commissioning to produce . . . and I understand that there was a committee already in the Labour Department taking a look at that, and I think once we put both parties together to see what benefits [Bermuda] I think that we can move ahead.

Now, debt collection. How much time have I got left?

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Debt collection. Well, let me tell you what I . . . most of you realise that I am an accountant too. So I was hired by a gentleman to take a look at the funds he was paying out on his debt. I will give you an example of how some of these debt collections are terrible.

So September 5<sup>th</sup> somebody pays \$100 and you know they charge \$7 . . . or 7 per cent, I think a month. But what they did in this case with this particular client . . . I am not saying everyone. I am not saying everyone, but this particular person posted the \$100 at the end of the month in August. So they are paying more on the . . . what the outstanding balance was. So it was not calculated from September . . . let us say August 7<sup>th</sup>. They posted it August 31<sup>st</sup>—31 days—and then they calculated 7 per cent. So the individual was paying more than what they should be paying.

So anyone that has got any debt collection out there, check to see . . . go in there and ask them when they did the posting. Ask them to give you a breakdown. Maybe somebody owes you a lot of money. Those are the type of things that we have got to put in place. That cannot be fair. And then the first time they get a bill they are charging 33 per cent, all right? I do not know exactly where we are . . . I am not sure whether . . . I cannot remember if it passed or not, but we lowered the charge rate from 7 per cent to 3 per cent. I do not know, did it go . . . I cannot remember whether it went through the Senate or not, but it has got to come back.

So these are things that the electorate said to the Government, *We want a party that has a heart. We want a party that understands my struggle. We want a party that cares about us. And we want a Government that is going to pay attention to some of our concerns.* Now, we are not going to be economic . . . whatever it is . . . we are not going to be out there . . . and let me just say this to some individuals out there because the debt did go up, but let me just also say that the debt also went up for 1.4 [billion] or whatever it was in 2012 to 2.45 [billion]. All right? The Government—the former Government—promised to reduce the debt, all right? But it went up from 1.4 [billion] to something 2-point [billion].

**An Hon. Member:** In four years.

**Hon. Wayne L. Furbert:** In four years. And so were they smart or were they just . . . and then they blame me, they blame us, or the Government, on us for putting it up. Every year the Government was—

**An Hon. Member:** Borrowing.

**Hon. Wayne L. Furbert:** Borrowing. Every year they were borrowing. Every year and then they were going to borrow this year. The PLP Government is going to have to borrow this year because of the OBA Government. It was in the budget. And then they were going to borrow in 2018, all right? And then they said magically it was going to happen in . . . well, you do not know what was going to happen in 2019. Something could happen where you may not have been able to balance the budget.

Our Premier and Minister of Finance has said that we want to balance the budget in 2019. We said it also. But we have got to go through this tax reform situation, we have got to look at some of the expenses that are occurring with the Government, and then we will deal with that . . . let me deal with that financial assistance. They were so proud to realise that they increased the financial assistance from X-dollars to two times X—\$20-some million to \$54 [million] or whatever it was. But there were no controls in place. What do I mean by that? What do I mean by that?

I am saying that the Government . . . and I will use an example because I was Chairman of the Public Accounts Committee. Let me use an example. So \$10 million was spent on medical or pharmaceuticals. And so I asked them, *Has anyone gone out to see whether . . . I have got \$10 million of expenditure but I am going to go to the three large pharmacists and say, Look, I'll give you \$7 million if you can give me a 30 per cent deduction? Give me 30 per cent deduction or 20 per cent deduction (because pharmaceuticals make a good profit margin), but I am going to guarantee you will get \$7 million this year or next year, whenever the budget is. They said, No, we don't do that. We just go there and spend your . . . spend your . . . on your pharmaceuticals.*

So, yes, you increased it. But what I am saying is you could have put better controls in place to ensure that the Government was getting a fair deal and the people . . . individuals were getting an advantage because they were getting the benefit of buying the goods, and then the Government will get a better deal because at the end of the day it is about finding a way to reduction. So if we do not find a way to ensure and control that \$54 million, we will be up to \$60 million in a very short time.

**Mrs. Jeanne J. Atherden:** Point of information.

**The Deputy Speaker:** Yes, ma'am.

#### POINT OF INFORMATION

**Mrs. Jeanne J. Atherden:** I would just like to draw to the Honourable Member's attention that you are right, that is the type of thing that the Government did. We went out and we bought all of our drugs related to the HIV and those drugs, we bought them through the Global Fund so that we reduced the cost. It is like we . . . it is not that we do not understand that you should try and reduce the cost of drugs, and we actually did that.

**The Deputy Speaker:** Carry on, Member.

**Hon. Wayne L. Furbert:** No, no, no, no, you missed the point. Was that for financial assistance?

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** No, no, no, no, not all of them. My point is that . . . where did you store them? No, they went to the pharmacist to buy those particular products.

**The Deputy Speaker:** Member, talk to the Chair.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Some did and some did not. I am just saying that I think that the Government could have done a better job in doing it, and I am sure you will admit it. I am sure the Minister will admit that better controls and a better way of spending money could have been done as far as being creative in how the funds are being spent. And I am thinking . . . I am sure that our Minister and Minister of Finance will make that happen.

So, Mr. Deputy Speaker, we have the perfect opportunity—this Government—to put in place and to make sure that . . . we have a very strong backbench that will keep the Ministers accountable, as you are aware, Mr. Deputy Speaker, which I think the failure . . . or part of the failure of the former Government is that the backbench was one of the weakest backbenches I have ever seen. They never got up in Parliament, except for my good friend . . . they never got up in Parliament on many things and said . . . as far as keeping them accountable. Now they may have done something in caucus, I do not know. But there should have been more checks and balances in place to try to stop the Government from doing silly things moving forward.

So, Mr. Deputy Speaker, again, I would like to congratulate the Premier and the team going forward for the things that I see that are going to take place. I am encouraged by the progress I have seen thus far. The Minister of Works, his movements in our schools to make sure our schools are in place.

I am encouraged by the Minister of Tourism and Economic Development. I am encouraged by Minister Brown. I am encouraged by Minister Zane De Silva. I have not seen the Minister . . . I mean, you cannot put any fault at the Minister of Immigration. He has taken and made some tough decisions, but I believe in the best interests of our Bermudian people by, as we said in our platform, by putting Bermudians first. And there is nothing wrong in doing that. Many times we . . . people . . . I mean, they have some policies in place, I believe, in Immigration that were just *carte blanche*. The business people would send an application to Immigration and like it was almost approved without really any digging. I mean, do you think . . . I heard the Minister . . . no, I am not, you may be able to correct me with a point of order.

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

**Hon. Wayne L. Furbert:** Okay.



**The Deputy Speaker:** What is your point of order?

**POINT OF ORDER**

*[Misleading]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member is misleading the House. That is not accurate.

**Hon. Wayne L. Furbert:** Mr. Deputy Speaker, what I am saying is that I believe that our Minister of Immigration is going to be tougher and fairer. Do you think that this is the first time . . . he gave an experience . . . an idea of a company given a résumé of five individuals. Do you think it was the first time? I do not believe this is the first time they tried it. They probably go back and file . . . they probably got the same résumé last time. That is my point. But the diligence of the Minister and what he has done, I believe, has sent a message that we are a fair government. But we want to make sure that Bermudians are taken care of.

So again, I congratulate the Government and we look forward to the progress that will take place very soon. I am sure the 100 days will be laid out by the Premier on what they will have accomplished in their 100 days and they have got . . . July, August, September, they have got another probably—how many days left?—20 or 30 days left. And I am sure that they will meet that target. I have never seen a Premier (and I have been around a few years) that has worked so hard, day and night. The Premier works day and night on making sure that Bermuda—

**The Deputy Speaker:** You have got one minute.

**Hon. Wayne L. Furbert:** How much?

**The Deputy Speaker:** One minute.

**Hon. Wayne L. Furbert:** One minute. Moving forward . . . So, again, Mr. Deputy Speaker, before I take my seat, I compliment everyone and unfortunately I cannot go through the whole Throne Speech, but as the people applauded the Throne Speech at the opening of Parliament down here at [the] Cabinet grounds, I applaud the Government going forward. Thank you.

**The Deputy Speaker:** Thank you. That is the Honourable Member from Hamilton Parish, constituency 6.

Any further speakers? There are no further speakers? The Honourable Member from constituency 21. Carry on.

**Mr. Rolfe Commissiong:** Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, on July 18<sup>th</sup> the people of Bermuda reposed their confidence in the Progressive Labour Party to be the Government of this coun-

try that we all love, the country we call home. They reaffirmed their trust in the Progressive Labour Party to advance their interests in a way that they felt was not being manifested by the former Government.

Mr. Deputy Speaker, you may remember that in this House shortly before that historic election, Mr. Shawn Crockwell, the Learned Member at that time from Southampton, gave what now can be viewed as his final will and testimony in this House. And he made two critical remarks that the country appreciated. He made remarks that resonated powerfully all up and down this country.

The first remark (and I may be paraphrasing here) questioned whether the Government would be won at the next election due to things like the America's Cup, the airport deal or a new hotel, or whether the Bermudian people would have a referendum on the OBA Government at the time revolving around the question as to whether they truly, indeed, cared about the people. Certainly the answer was a resounding no.

The other observation—keen analysis—coming from that Learned Member was that he made a revelation that it was not until he became a part of the Living Wage Committee that he realised that there were, indeed, Two Bermudas characterised not just by class, but also race, and the way the two intersect within our Island home.

Now I just have to reflect on that because I was only three feet away from him, across the aisle, where we sat in our positions. And I will be honest; I have been pondering how a man that came from a black working-class family could have been in any doubt as to whether there were Two Bermudas. I am still searching for that answer. I am even thinking now that, perhaps, for some whose experience may be a little different than mine, those who may have attended all-black institutions, grew up in largely de facto segregated all-black neighbourhoods, who never had any meaningful contact with whites and/or white Bermudians until they were adults or maybe went off to college, maybe that can inform why he said what he said. For myself, who at age six being the first African Bermudian to attend a historic white school, called Mt. St. Agnus, in 1963, I had a fairly different perspective from a very young age.

But nonetheless, he did acknowledge that there are Two Bermudas. Certainly, the former Leader of the OBA in an interview on the 14<sup>th</sup> of September (found in the *Royal Gazette*), I guess in a way acknowledged it as well. When asked about the criticism that the OBA did not do enough to help black Bermudians, he said it was a fair assessment, adding that he would have liked to have done more.

Certainly, we were reminded during the campaign, by way of Marisa Baron and Monica Jones, that for black Bermudians the reality of Two Bermudas was not an idle thought. Who would have thought that in 2017 you would have an individual, again by the

name of Marisa Baron, say the following (and I quote): “Well, not right now . . . you black people may think you run this island. Trust me, your stupidity is laughable. Just because you went into the bushes and came out with your inbred children ‘to get the votes’ does not mean you ‘run this country.’”

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

**Mr. Rolfe Commissiong:** Mr. Speaker, as a young boy I remember those same type of thoughts as being more common in Bermuda’s white community than we would care to admit. And when I say “young boy” I am talking about in the ’60s growing up.

What was astonishing about this . . . we are not talking about a Marisa Baron who is 70 years old. The woman, as I understand it, has not even seen her 40<sup>th</sup> birthday. Where did she learn this? These are the type of comments that were directed against people like Dame Lois Browne-Evans and Roosevelt Brown and all the other leaders of this country. Where did she learn this? At whose feet as a young child did she take on these views of black people? And as she circulated amongst the OBA at their conferences and parties and social gatherings, did those black members of the party . . . did they simply shake their head when she gave a more sanitised version of these type of comments? Did they simply say, *Yes, I understand, Marisa?*

Mr. Speaker, allow me . . . again, and I beg your indulgence, but this needs to be said. Monica Jones, a lawyer, comments in the *Royal Gazette* and I . . . you know, I just found that . . . I said to myself when I saw these comments featured on page 4 prominently, I guess if you have a title “lawyer” by your name that . . . you know, certain privileges are just waiting upon you. But with Ms. Monica Jones the headline was “Are we building bridges or reinforcing walls?” She went on to say, “teaching young black children to hate white men”—wow! She did not even say “white people” here. She said “to hate white men”—“will only handicap those children throughout life as they isolate themselves further from people who may, in fact, be bringing them advantages.”

This Monica Jones here reflected in her comments the worst form of traditional Bermudian white paternalism. If I may, Mr. Speaker, we are talking about July 15, 2017. I will just read a paragraph or two. She said:

“My friend was telling me he taught his three-year-old son that the white man is the lion. In other words, he taught him to hate and fear white men. He is doing it because he wants him to be safe. I believe the result of this teaching will handicap his son because:

- “He will find it more difficult to learn from white schoolteachers

- “He will miss out on special teacher/student relationships that children [should be taking advantage of]
- “His teacher will be hampered in trying to teach the son and in identifying special needs and talents
- “He will be limited socially, as he will not feel comfortable in relationships with white children, as most have white fathers, whom he will fear and mistrust
- “When he enters the workforce, especially that of international business, where many of the companies have their roots in North America and Europe, he will struggle finding mentors and role models in white males
- “It seems very unlikely he will ever realise his full potential unless he finds a way to surmount the internal legacy of fear and mistrust he learnt in his own family.”

These are the type of people that confirm to us the work that still needs to be done. And so when the Progressive Labour Party in its platform and in its subsequent response in the Throne Speech affirms that there are Two Bermudas, there *are* Two Bermudas. And we need to address it; and we will.

Mr. Speaker, I just want to add finally, I will give a final quote from a man named Kevin Comeau who I thought had a seminal lesson for the One Bermuda Alliance. He has never been a friend of the Progressive Labour Party Government. He has consistently, even as he did very mildly in this article as well, attacked us since pre-2012. But after the election he seemed to have had a coming home to Jesus moment, I assume unlike Ms. Monica Jones, and unlike Marisa Baron (I suspect still today) and in the September *Royal Gazette* he went on to write this: “There were two seminal events during the OBA’s tenure that were bound to roil black Bermudians: the OBA’s appointment of Michael Dunkley as Premier and the Pathways to Status fiasco that followed.

“While it is impossible for a white person fully to understand the myriad of ways black Bermudians think or feel about these racially explosive issues, I would argue that it is incumbent upon all those who care about the future of Bermuda to at least try to gain some baseline semblance of understanding by putting themselves in the shoes of a black Bermudian for a moment.

“While the result may well differ for others, I can say that if my ancestors had been enslaved and subjected to racial segregation for 350 years by a group of 40 families that controlled the country, and if I, myself, had been subjected to a racial glass ceiling for 25 years under a political party controlled by those same 40 families, there is no way in hell”—his words, not mine, Mr. Speaker—“I would ever vote for any political party that was controlled by members of those 40 families.”

You see, Mr. Speaker, my point is that this is 2017, but the problem we have and will have going forward is that we are still living in the world that Sir Henry Tucker created. The modern Bermuda and its political framework is still chained within the context that came out of the 1960s. And what do I mean by that? The drive for universal adult suffrage, the drive to eliminate the property vote (which unfairly advantaged particularly white Anglo-Bermudians), the drive to ensure that there would be a broader franchise (a movement that was taking place all throughout the then-British Empire) caused the white power structure in Bermuda to seek to answer the following questions: How can we adopt an all open franchise while at the same time maintaining our control and dominance over Bermuda?

And thus, the then-UBP was born, a party whose *raison d'être*—unspoken, unacknowledged—was for the maintenance of white dominance and privilege in Bermuda under the guise of democracy, under the guise of being inclusive, under the guise of creating a one Bermuda. A party whose design has always been based upon the following: that it was going to keep white voters “on the reservation” (as they call it), while appending to that a significant minority of black Bermudian voters as a minority partner to maintain their dominance.

Mr. Speaker, we have a golden opportunity now to put an end to that. We have had 50 years of being constrained within these bounds . . . these ropes that have strangled us and our development politically. It is time for us to move forward and beyond the world that Sir Henry Tucker created because it was a world that was designed to maintain white privilege deep into the modern era to the disadvantage of black Bermudians. Let us not be under any illusion here. That is why the Government now has a responsibility to tackle these issues. I am very happy about the Throne Speech response—or I should say the Throne Speech—that was laid out by the Government. I think that there is a lot to be commended.

But I just want to tell my colleagues that unlike in 1998 the challenges we face now make the challenges that the class of 1998 faced seem like a tea party, they pale in comparison, some of it by our Member, Mr. Wayne Furbert, from constituency 6 was outlined, and I just want to take some time out to outline a few myself.

We have an ageing population. I suspect that by the time we talk about the census coming out in another couple of months (hopefully) it will indicate that the average age of a Bermudian will be around about 46/47 years of age, it may even be a little higher. That is a very ageing population. The consequences of that are going to be significant and we are already on that train and there is no way to get off it. Fertility rates have been declining here for the last quarter century or more.

We have a society where income inequality is moving to such an extent that it is causing significant damage to our social fabric—a shrinking of the middle class, particularly Bermuda's black middle class. And I might just add the income inequality I am talking about really has its roots in the mid-1980s, but it was deeply exacerbated by the great recession circa 2008, '09 or '10 when it really took grip in Bermuda. But my point is, Mr. Speaker, that the impact of income inequality in Bermuda, as I said, is causing a lot of impact on our social cohesion. But the negative consequences of it are being felt all throughout the society. In those countries where we have high levels of income inequality you find . . . what do you find? High levels of violent crime.

You will find the formation of gangs, the organised criminal activities; you will find all of these things. You will find a shrinking of the middle class and a country whereby national income begins to be more and more mal-distributed, where the rewards in terms of income within the society begin to accrue to a ever smaller group of people, in this case, the owner of capital and those within the professional classes.

And so, some of the structural reforms that are envisioned in the Speech from the Throne should not be viewed lightly, because these are the critical issues that we are facing. And I do not see a concomitant attention to these issues (and have not for some years) with respect to our current Government. Maybe that is because so many of those who back the Government, who support the Government, have benefited from the status quo. But the status quo is no longer working for the majority, or near majority, of Bermudians.

I have said this for some time. And I have heard somebody else on our side—it may have been the Premier—paraphrase this, that if you get to a point where Bermuda is no longer working for Bermudians, then what is the point? This is what income inequality begins to do. It begins to hollow out your society. And after a while the society, over time (and we still have a chance I think to arrest these trends) begins to resemble those societies you find in places like Central America and further south . . . like you find in parts of Africa below the Sahara. Countries which are fairly small, middle classes, again, most of the rewards from the society in terms of income accruing to those at the top—professional classes, the owners of capital—and a growing, growing, swath of people who can only be described as “working poor” living in low income households.

But in Bermuda what you see is an intersection not only between class, socio-economic marginalisation and race, because that is in our DNA from 16, 18, 19 or 20 to the present, okay? That is why when we talked about what is happening with our young men . . . and if you notice, and Brother Swan here can—MP, new MP and congratulations to him—

**An Hon. Member:** He is not new.

**Mr. Rolfe Commissiong:** Well, for us he is. Over this side of the aisle, and he is welcome here.

He knows from me, I have never articulated it as talking about gangs and gang violence, okay? Yes, we have a national security issue to address. The fact that we must ensure that there is safety for our people, that they are not going to be negatively impacted (nor their property) by criminality. But at the same time let us be honest Bermuda, out of all the victims of gun violence, so-called in this country, all of them have been black except for one individual. There was a young white guy, a young white boy, a young man, a teenager about a year ago, he lived just on the other border from my constituency down there on North Parsons Road, he was living in government housing—only one.

All of these impacts then from rampant and growing income inequality have been ring-fenced around Bermuda's black community. That is why I do not talk about gangs. That looks like you are talking about some alien. But we are not. We are talking about the same at-risk young black men that I have been talking about for the last 20 years. I had a joke the other day. I had one of our newly-minted Ministers who . . . he is, I guess, just like the Premier. He is probably going near 40. And he says, *But Rolfe you've been talking about this issue for a decade.* I looked at him and I just smiled because it is more like two decades because people can remember who are old enough—over 50 or 60—when I started talking about this issue, I always talked about what was happening with our young black men. And even that caused me grief among some black people, because I said the word “black.”

Look at the outcome the other day, those two young boys up there—one of them is through marriage kind of related to me. Yes, they robbed those two people and they deserve everything they are going to get in terms of law. But what happened in terms of how the victims went over and beyond what justice demands and could have actually killed those two boys? And this is not misplaced sympathy, but I suspect that what took place in the court was just a consequence that they were two young black boys which led to some of the result that we saw. I am talking about not in what they did, but in terms of the outcome. And I am not afraid to say that right here, right now.

And so we need to tackle that issue. We see that both parties—the Government, the former Government, the Opposition—claim that they too were determined and had signed or had been right on the cusp of putting in place a gang violence coordinator (is that what it is called?) to deal with the intervention in terms of gang violence. We know that our party, or this Government now, today, has made a commitment to do the same thing.

But I just want to say this here. The OBA Government made two key promises back in 2011 or 2012. One was the 2,000 jobs, of course, which we never saw. (Mr. De Silva agrees with me on that, the Minister.) And they also, by way of a candidate I defeated in the 2012 election (who they later put in the Senate), made a grandiose claim that they would be the champions to eliminate gang violence. They touted Operation Ceasefire. Where is it? We did not hear any more talk about it right until at least three or four months before the present election. It disappeared after 2012 right to the present. I understand now he hurriedly made sure that he could sign a contract that would entail the beneficiaries of that contract, Operation Ceasefire, being able to receive fees over a million dollars per year—and if I am wrong, I stand to be corrected—locking them in even while his Government was being locked out, and now find themselves in Opposition.

But this is what I want Bermuda to understand. We have to focus on the front end. And let me give you an example. Jahcari Francis, a young boy, when he was shot two days after the election in the midst of this euphoria, and god forbid . . . heaven forbid, that should serve as a very powerful wake-up call for us about the nature of the challenge we have before us. He was 20 years old. That means that Jahcari Francis was born probably in 1998, okay? Would that be correct? Born in 1997. Within months the Progressive Labour Party, near the end of the year, became the Government for the first time.

By the time he would have been seven, eight or nine you would have had the beginning of the proliferation of the gun violence, although I would think that if you go back for me, as an amateur historian, we are talking about a trend that really begins with the horrific shooting of Shaundae Jones—I might have his name off a little bit—up in Dockyard, going back to that period, okay? But this young man would have been only about seven or eight years old when this phenomenon really began to become more prolific.

The question is, what did we do? His life spanned not only a PLP Government, but the OBA Government. And our failure to tackle this at the beginning of the process is what is hindering us, you see, because all of this is coming out of these low income—most of it—poverty stricken neighbourhoods in Bermuda. Yes, we do have poverty growing in Bermuda. Have any of you been canvassing over the last three months? Do not tell me it does not exist. We are seeing it in ways that Bermuda has not seen in over seven decades, going back to the 1930s. We need to tackle this from the front end.

Mr. Speaker, how much time do I have left?

*[Inaudible interjection]*

**Mr. Rolfe Commissiong:** Good.

So, if we know that income inequality is producing this fruit, unripened, dropping from the vine, represented by our young black males, we know it is creating a proliferation of low income households characterised by economic vulnerability, particularly if they are single parents; then why would we be surprised with these results? Even the education system . . . I had a conversation with some educators before the election and they want to talk about all their fancy new programmes. And no disrespect to them, I said, *Listen, studies are now confirming that one of the surer predictors of educational outcome is the socio-economic status of the student.* Come on!

And you have a public education system—again, go back to what I said 15 minutes ago. I was the first black male to attend a white public school coming from a Bermudian middle-class family. But that started a migration of mostly middle-class parents—with the exception of what was going on at Berkeley—of sending their children to these private schools. And so you have a public school system which now is overwhelmingly catering to Bermudians from low- to lower-middle income households. I am not being deterministic here by saying that these are the only outcomes or these are the only causes of these outcomes, but believe me they do play a key role.

And so we have a historic opportunity, but it is not going to be easy for us to turn this ship around. Like I said, there are no more easy choices. And our Premier over the next few weeks—a great young man, a great new leader for this country . . . we should not try to undermine him. I hope he is listening. We need to support him, not uncritically, but in terms of objectively, support him. Because the challenges we face are just immense, and not just the local challenges, but also those strategic and global challenges that have the potential to alter the way of life that we have enjoyed since the 1980s. That is what time it is.

Mr. Speaker, I think the Speech from the Throne provides a fitting template—

**The Speaker:** You have got one minute.

**Mr. Rolfe Commissiong:** —for our ability to begin to address these structural and systemic issues, including the unfinished business of racial equality in Bermuda. And we should not . . . we should not back off or be fearful in addressing them. Thank you, Mr. Speaker.

**The Speaker:** Mr. Commissiong, thank you.

Does any other Member wish to speak? I recognise the Honourable Member from Southampton [East Central], Ms. Leah Scott. You have the floor.

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

Mr. Speaker, first of all, I would like to compliment all of our parliamentary colleagues who were

successful—returning and new MPs. I would like to congratulate you on your appointment as the Speaker.

**The Speaker:** Thank you.

**Ms. Leah K. Scott:** And Mr. Burgess on his role as the Deputy Speaker.

Mr. Speaker, I am not here to pick apart the Throne Speech. I think that there are going to be enough people that do that or will have done that. I think that the Throne Speech does have some innovative initiatives—some are new, some were started under the OBA—but all of them are for the betterment of Bermuda.

Mr. Speaker, there is none so deaf as he who will not hear. On the 18<sup>th</sup> of July the electorate spoke loudly. And while it was a disappointing loss for the One Bermuda Alliance Government, I view it as an opportunity. It is an opportunity for us to do things differently. It is an opportunity for us to change. And yes, we did stimulate the economy. Yes, we did do some things to facilitate an economic turnaround. But the truth of the matter is that the end of the day the people of Bermuda did not care about that. What they wanted was to feel included, to be heard, and to be respected.

Mr. Speaker, in 2012 when the OBA was elected, when we had our first session of Parliament, the then-Opposition Leader was Marc Bean. And one of the things that he said to us was that during their administration the PLP had made some mistakes. And he encouraged us, as a new Government, not to make those same mistakes. On the 18<sup>th</sup> of July the people of Bermuda showed us how wrong we got that.

Therefore, I would encourage this Government to do what they said in both their platform and the Throne Speech. And that is: to make a fairer Bermuda for Bermudians; and also to put Bermudians first. There is a great opportunity to make positive change. I would encourage them to ensure that they comply with all instructions, financial and otherwise, to make sure that they handle the public purse with integrity, and to treat people with compassion and dignity.

I intend to work with my substantive Minister of Transport and Tourism. The Minister of Tourism and I have already had a conversation and I have agreed to try to work together collaboratively. Any disputes that we may have we would like to settle outside of Parliament so that every time we come to Parliament our discussions will be wholesome and fruitful and we will not waste time and energy going back and forth on silly disputes.

My intention is to be collaborative with this Government to the degree that they will allow me to be. I will also hold this Government to account and ensure that they do keep their promise of creating a fairer Bermuda and of putting Bermudians first.

I pray that the new Opposition Leader and the Premier will set a tone from the top that is not hostile

and acrimonious, but one that is positive and collaborative and one that we can all work together. For the past four and half years we have shown the people a level of immaturity that as professionals and leaders we should not have displayed and I hope that as we go forward that will change and that we will all be able to work together for the betterment of Bermuda because I believe that is why we are all here.

People are expecting us to be different; people are expecting us to do better. It is [up to] all of us to promote effective, fair and mature leadership and we have the chance to change the course politically into a new direction.

I think that there are some good ideas in the Throne Speech. And I think that we cannot just bat an idea down because it came from the PLP. That does not make it a bad idea; it makes it one that we all have to work together to achieve because we all have to be here, we all have to be together.

So I would ask all of us in this House to work together and to be the change that this country wants and needs to see. Thank you, Mr. Speaker.

**The Speaker:** Thank you for your comments, Member.

Does any other Member wish to speak? We recognise the Honourable Member from constituency 36, Mr. Michael Scott. Honourable Member, you have the floor.

**Hon. Michael J. Scott:** Thank you, Mr. Speaker. What an honour it is to defend the 2017 Throne Speech of this new Government following the events of the general election in July. What an honour it is.

So, Mr. Speaker, how do we reach the Vision 2020 that we plotted and gave statement to in Opposition benches through successive Throne Speeches and Budget Statements, and now, Mr. Speaker, as reconstituted and reiterated in this magnificent statement which was delivered on the grounds of the Cabinet in 2017?

May I say right away that the idea has not been because of our circumstances that we currently face both fiscal and . . . largely fiscal. This is not an effort or a major initiative to trivialise the fiscal challenges that we face in Bermuda in 2017 but to recommit and rededicate ourselves to the proper management of these fiscal challenges. And in the hands of the Premier and Minister of Finance I know, I am confident, and all of the Members of the Government benches are confident in his ability, guided by the well-meaning and well-intended people of this country to ensure that we have a successful outcome in dealing with the fiscal affairs. But we need to do that in conjunction with a sensible and responsive response, Mr. Speaker, to the needs of Bermudians.

Mr. Speaker, I am reminded of a speech I heard very recently in the caucuses of the PLP, by a distinguished senior member, where we were remind-

ed that the legacy of that party is the legacy that is reposed and repositied in the members of this Progressive Party to keep carrying forward and not to be forgotten. The legacy of our founding members, Mose Allen, Mr. DeJean, Mrs. Thompson, Mr. Quinton Bean, Ryo Richardson, the men and women who are our founders, these principles of progressive politics, justice, fair play, the economic development of the working and labour classes of Bermuda—black, white, or both races—these are our mandates. This was the legacy, Mr. Speaker, I mean to say, handed to us by our founders and to which we must remain true.

So, how do we deal with envisioning and delivering on this vision? We do it by lowering the cost of living, Mr. Speaker, by dealing with and grappling head on in a bold fashion, the way that Lord Pitt urged us to do in 1971 when advising us of his recommendations and giving us guidance to act boldly in shaping our future by attacking monopolies in this country through wise competition laws across all areas of economic activity so that we create a fairer outcome . . . create more producers amongst the black members of this community that conjoin and combine with the current status quo of producers in this country, which are principally white, that we exact from this new growth of new producers, innovators, from our young people to our existing entrepreneurs, mergers, we produce cooperation that will inure to the safety, security, peacefulness and unity, racial, economic and socially in our country.

Dealing with monopolies in this country is a critical key plank in delivering the vision that has been stated in the Throne Speech of 2017. Mr. Speaker, a liveable wage and its implementation is also one of the spokes in the wheel to this vision's delivery.

Reform of education (as the speaker who just completed his presentation on the defence of this Throne Speech has indicated) . . . education—obviously and plainly—and the strategic reforms that are contemplated by Minister Rabain are part of the package of spokes in the wheel for the delivery of the vision contained in the Throne Speech. Preparing our human capital, making it possible for our human capital to have the guarantee, even, the reasonable prospect, even, Mr. Speaker, of having engaged in preparation in education, technical and otherwise, having the reasonable expectation, or the assured expectation, that their preparation, training and readying of themselves for this community and for this economy will result in their being adopted and absorbed meaningfully in the economy.

That is connected closely, obviously, with the outlay by our parents for their children in education and training of our youth. And we need to stop the disparate and uneven selective advancements that we have been seeing of certain set members of the returning students getting placed in sensible, well-meaning, well-paying, rewarding jobs, [while] in [other] cases [there is] no advancement of our young people

and those who are just engaging in re-tooling . . . no advancement of them into the lifeblood of this economy, uneven advancement of our human capital into the lifeblood of this economy.

Foreign worker advancement over Bermudian human capital [has been] occurring in our economy. These are the legacies that we have been facing, and it is a game that must come to an end. It is a game that very singularly the Throne Speech is aimed at ending, and it is the reason that I commend the Throne Speech initiatives. Not so much a renaissance that is going on, but it is a reformation, a restatement of very tried and tested policies of the Progressive Labour Party from the days of our founders, Mr. Speaker (whom I mentioned), to the present carrier of the mantle and leadership of this Party, our Premier David Burt, and his able front bench and ministerial team who will and are committed to delivering this vision.

Mr. Speaker, under the first topic of cost of living in our country, we have had some stories told about it. Many of us have lived it. I recall reading about it historically in . . . I think it was Mrs. Barbara Harris' book, and it may have been Professor Quito Swan's book, that the major development in this community of the spike in the cost of living took place in the 1970s.

What else was happening in the 1970s, Mr. Speaker? Well, in our fine country, in our fine nation, Mr. Speaker, the rise of the working class was occurring. Labour laws were being introduced onto the books in response to an advocacy by the Progressive Labour Party of that day calling for better treatment, respect and advancement of labour. The development and growth of the working class and promotion of labour rights and the stability in our society of that construct was leading to a growth of a black middle class, and these were good days for us. But they were frightening for some—for the ruling class of this country, the white ruling class of this country. It was frightening.

Co-occurring with the policy of cost of living spike in this country, co-occurring with it in the 1970s (and I remember this well as a young practising attorney) was the dumping of illegal Class A drugs into Bermuda. Now, and I have said this before in this House, it was an agenda that was both deliberate and diabolic, and maliciously intended. But the dumping of Class A drugs will have had but one objective: to dislocate families, to stop a generation of Bermudians, and to spawn what we now have today as this awful state of gang violence, drug territory protection, killing of our lifeblood and young people in these internecine battles.

And I do not say this or reprise this development in the 1970s with any embarrassment or apology. The drugs . . . when I talk about the dumping of Class A drugs into this country, it was deliberate. It was dumping. It was organised, and it was funded.

And it certainly was not funded by black traffickers. The young black traffickers who we found becoming connected with the arm of the law enforcement in this country were mere pawns in a funded—well-funded—creation of the reality of purchasing Class A drugs in large quantities, at costs that could never be met by the small traffickers on the streets, but only by those who had the capital and funds to do it. It resulted in, as I say, this dire consequence that we face which, predictably, was going to result in this, and this is why it is so diabolical.

So, Mr. Speaker, the impact of this policy was to foment the breaking of a generation, to place stressors on the black working class and the growing black middle class. It was to degrade and postpone this 1970s development. Think about Radnor Road. Think about houses that were being built out of the incomes of our men and women who were involved in the hospitality industry, working hard, raising families, sending kids off to school, to university, with an expectation. These elements have come to a screeching halt. Today we see them occurring in an erratic fashion and under the stress of the change of our society. This glide path of these progressive events on the Island that was developing in the 1970s, but was having serious pressure being brought to bear on it, was an opportunity; it was the vision which we now seek to address in 2017 of creating more black producers, black entrepreneurs, black innovators who are occurring across the country, to align with the existing Front Street entrepreneurs, the "Front Street Boys" as they are called, or the "Forty Thieves" . . . that was the prospect that was possible, but which was postponed and then crushed.

So the vision, no wonder, in this 2017 Throne Speech articulated, reiterated between 1998, really, and up to the loss of Government 2012, is today mandated again by the voters of this country, our second mandate to carry on this vision. I am proud to stand here with my colleagues to deal with this mandate. I have no illusions about the fact that it must be a mandate delivered in conditions that require the management of the fiscal picture, but it must be done. And how should it be done? It is being done with the opening days of this Government taking on the small matters and doing the small things that matter to people.

People have said to me, post-election and during the election, just do the right things for people and they do not have to be large capital projects. Mr. Speaker, they cannot be large capital projects funded by or sponsored by government. It was not possible, it was not appropriate. It was thoroughly inappropriate and irresponsible for large capital projects to be mounted by the OBA Government in 2012. But prosecute them they did through the then Minister of Finance Bob Richards, the former Honourable Member of this House.

I recall in one budget he laid out about 10 fiscal stimulus packages. We all remember them—some

type of litany. They included the America's Cup, hotel construction. It included the waterfront in Hamilton build-up. It included . . . so, America's Cup, hotel building, hotel construction, the waterfront . . . and obviously the Financial Secretary said to him, *Well, Minister, you know, you cannot pay for this. None of this can be paid for by this Government because of the debt we face.* And so that is why it was inappropriate. But despite these warnings by his civil servant handlers, he pressed on with the airport . . . Oh, the airport was obviously the other one. He pressed on with this airport deal. Certainly, he funded out of government coffers the America's Cup deal. All of these things were irresponsible.

And the airport deal, notwithstanding the sorcery of language that that former Minister of Finance sought to persuade us of—that it was costing us nothing—is costing us a great deal; a great deal that we cannot afford. So, it is not to be done . . . that error is not to be committed. We get on with doing things that matter to people. I will list those things shortly in my presentation.

Mr. Speaker, the other spoke in the wheel dealing with competition, access to capital to invest is a right of both a right-thinking initiative or an aspirant in our country, and this has been an area where we have failed miserably. We have seen monopolies continue to thrive. We have seen banking institutions fail to make available capital and investment capital to other than the normal or traditional holders of the means of production in this country. Occasionally, selectively they have made access to capital possible. And whether it is across the board of capital to build domestic housing or a commercial enterprise, our banks have singularly failed to be honest brokers, encouraging brokers, and encouraging institutions to aspirants of creating new producers of both capital and businesses in our country.

This must change. This is part of our vision across former Replies to the Throne Speech in Opposition and Budget Replies. But we take it up in this Throne Speech, Mr. Speaker, happily on page six where we are looking at means—and I am glad to see it present—the best means by which to expand banking options available to Bermudians and to increase the opportunities available to finance their legitimate aspirations in society. They are pleasant words, but with sensible policymaking they can be crafted into a thorough, effective, strategic policy of identifying new sources of lending in our country so that the trials and tribulations and the unfairness, frankly, of banking practices today . . . to help drive innovation across members of this community who have deep and wonderful and useful innovative ideas, plans to expand this economy to create more jobs and take advantage of and be given a lift with the absolutely necessary financing that is needed.

Mr. Speaker, what we also saw in this country in the 1970s, in addition to labour laws protecting our

people, the growth of the black middle class, the growth of the labour classes in this country was a very significant development of a bank that was the Bermuda National Bank, or the Provident Savings and Loan Bank (it turned into the Bermuda National Bank). It was all consistent with the growth to which I have been referring. It was all consistent with the black renaissance, though certainly that was a renaissance which caused great consternation in this country and was later—

**An Hon. Member:** Mr. Montague Sheppard.

**Hon. Michael J. Scott:** Yes, Mr. Montague Sheppard behind it. It was an opportunity for black bankers, as directors and shareholders, to go home to their families and say, *Today we advanced the initiative in our banking operations along lines of progress.* But what happened? That bank was eventually wound up.

Also, on the scene encouraged by the banking band wave that was taking place was Sir John Swan, and his charter was executed to the point of readiness for implementation. But it is the clearest of evidence, Exhibit A, if you will, of the energy to crush these initiatives that Sir John's charter was willingly by him bartered away. The bank that was in operation was wound up.

But can we focus just on the 1970s and 1980s picture that was ours, that was once a reality in our country and has slipped away. The replacement, Mr. Speaker, the thing that has replaced it has been a most prominent display during the last four years where people have literally said we have been under siege. Remittances revolution is now commonplace. Remittances by foreign workers in our country living on slave wages here (but great wages in their countries) [which] are being sent back. These are the dislocations that we found.

These are the reasons why the Opposition who now occupy that side of the House were rejected, because they were presiding over the virtual march away from the 1970s and the march away from the visions of the founding fathers and mothers of the Progressive Labour Party to such an extent that people really have said that the country needs to be turned upside down.

A young lady said just this to me: *This country, Mr. Scott, go and make sure that you turn it upside down.* Now, this was not a call to disruption. It was a reflection of how badly side up we currently have reached and that we need to be righted again. And to do it we have to turn this country upside down. We turned it upside down through these kinds of visions in the Throne Speech of 2017.

**The Speaker:** Five minutes, Member.

**Hon. Michael J. Scott:** My, how time flies.



So, Mr. Speaker, I said that the Throne Speech of 2017 represents reformation, a restatement of things we have been saying for many years and that we have an opportunity—thank you, Lord—for a second mandate from the voters of this country to deliver upon, and we must deliver upon it. We must not disappoint.

So, I was therefore pleased as I spoke about how we need not engage in irresponsible fiscal practices of trying to raise major capital projects and facilitating them. Something certainly must be done about the Aecon contract to claw it back. But to watch the Minister of Public Works and the Minister of Education, the Minister of Health or the Minister of National Security start off on their 100-day programmes, the first of readying the infrastructure in our schools so that our children return to schools that make them feel proud, driven and stimulated to start their new year in, resonates with the mothers and fathers and caregivers of those children.

Mr. Speaker, to have watched the education strategy, the good thinking—and careful thinking, I trust will be the watch word—going into education, strategic reforms in this country . . . I have heard Members try to pour cold water on what we seek to do. As long as we think strategically and carefully about education reform in the country, we will come out good.

Mr. Speaker, close consultations with our unions so that we ensure that part of our progressive legacy of ensuring that we uphold and champion the rights of workers has also been part of the opening 100 days of all Ministers with those responsibilities—the Minister of Home Affairs comes to mind, in particular.

Mr. Speaker, redressing and reversing drugs, guns and social and economic stressors in our country that were introduced in the 1970s—redressing it, removing it from our midst (Mr. Commissiong, the Member for Pembroke, was speaking of it) can take a number of iterations. It is not simplified by calling it gangs. The presence of drugs, the recent introduction of the presence of guns to enforce the drug deals and the social stressors that it has been placing on our community will be—must be—redressed . . . must be redressed . . . and that is the responsibility, frankly of the whole of the Executive, but it falls on the Minister of National Security to structure that response because family dislocation is not acceptable.

New sources of lending, new regulation of monopolies, better regulation of all, and good governance across all of Government, including of this House, has been set out on page 16 of the Throne Speech by the Minister for the Cabinet Office and Government reform, these are all good restatements of the way that we are going to use governance and good governance to ensure that we create the best platform for accountability in our country.

Banking practices certainly need to be looked at. The courts and the administration of justice, the constant use of and improvement of the mental health court and the drug court and the family court to deal with the recovery of children's maintenance arrears, as the Attorney General has recently committed herself to, are all part of the vision. These are the important things, the little things that stabilise a nation and that cause a people to say *we will continue to trust you*.

Decriminalisation of the small amounts of cannabis when presented in this House and its policy was made clear to redress the unfair prosecution of a specialised sector of this community has been included in this Speech. And so this reformation agenda of the Progressive Labour Party, Mr. Speaker, is our vision. The last administration put this country under considerable siege and, Mr. Speaker, I conclude in this way—

*[Inaudible interjection]*

**Hon. Michael J. Scott:** Is that it?

**The Speaker:** You are going to hear the buzzer. You have about four seconds.

**Hon. Michael J. Scott:** All right—four seconds?

*[Timer beeps]*

*[Laughter]*

**The Speaker:** That is it. Thank you, Member, for your contribution. Does any other Member wish to contribute to the debate this evening? Any other Member?

I recognise the Member from constituency 2, the Honourable Kim Swan. Honourable Member, you have the floor.

**Mr. Hubert (Kim) E. Swan:** And good evening, Mr. Speaker.

**The Speaker:** Good evening to you.

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

Mr. Speaker, I would like to once again congratulate your good self on your role here as Speaker of this Honourable Chamber.

**The Speaker:** Thank you, Member. Continue on.

**Mr. Hubert (Kim) E. Swan:** And I would like to also congratulate the Progressive Labour Party on an outstanding victory at the polls. In fact, congratulate the people of Bermuda for seeing the wisdom of doing such.

I want to say this, Mr. Speaker—

**The Speaker:** Yes?

**Mr. Hubert (Kim) E. Swan:**—from where we stand in life—

**The Speaker:** Uh, uh, uh, uh. Quiet down.

[Gavel]

**Mr. Hubert (Kim) E. Swan:** I would consider . . . I would like to consider this my maiden speech.

[Laughter]

**Mr. Hubert (Kim) E. Swan:** I know some will say *no, no, no, no*. But I can remember my maiden speech was some 10 years ago . . . was actually the Throne Speech Reply.

**The Speaker:** We will consider this your maiden speech on your return

**Mr. Hubert (Kim) E. Swan:** And, indeed, I consider myself born again. And as those who believe in such know that you must cast yourself of past robes and clothe yourself according to new beliefs and philosophies and principles. So, I consider myself born again, Mr. Speaker. And for my purposes, this is certainly a maiden speech

**The Speaker:** You have been down in the water, eh?

**Mr. Hubert (Kim) E. Swan:** I, Mr. Speaker, want to say that I myself, and also our Progressive Labour Party team, have spent four and a half years in the political wilderness. Contrary to how some would portray that, I would say from one who has toiled in the political vineyards many years myself, personally, I know that the Progressive Labour Party did good work as an Opposition.

A critical eye would look at the way in which the Progressive Labour Party held themselves, conducted themselves on Parliamentary questions during the past four and a half years. It is my contention that they did as well as any Opposition in Bermuda's history during that period, Mr. Speaker.

I listened on the radio. I never came up here, but I listened, and I was in awe of how prepared the Members were as they carried out the people's business. And those who are our detractors would have you think that the voters of this country are foolish and do not have a mind of their own, that they are *sheeple* and they drink Kool-Aid. Let me tell you, Mr. Speaker, as one who has been raised by many a hotel worker in this country as a young boy, by one who has been raised by many a carpenter or mason, as one who even when I sat on the other side looking into the sun has to give thanks and praise to the plumbers who gave me work, Mr. Speaker, I have to say that we

have to take into consideration how the people of this country feel on issues, Mr. Speaker.

I must say that I am . . . some people . . . my mate would say I am somewhat chafed by this Throne Speech, Mr. Speaker. I think it is a good one. I think when you look at the title in itself, it says "Building a Better and Fairer Bermuda." Any inquiring minds have to ask themselves, *Well, why would a Government coming in want to build a better and fairer Bermuda in the first place? And why would such a Throne Speech attract so much applause?* Look, I have been around a little bit. I ran in 1983 when I was 25 years old. I did not get elected until I was 50 in 2007. And the good Lord saw it fit for me to come back, reborn again, in 2017.

You tell me a time, Mr. Speaker, because you were around in 1980 and 1983 and 1989 and got in the House in 1989 . . . you tell me, Mr. Speaker, what other Throne Speech was so well received in the history of Bermuda? You tell me. And I want to say, Mr. Speaker, it was not because the Honourable Premier just came up with the words that resonated with the people. It is because for four and a half years and right through the election campaign we were connected with the people. And when you are connected with the people, Mr. Speaker, they will tell you what needs to be said. And that is something that I think that, you know, every Member of this House needs to take to heart.

I want to commend one of the Opposition Members who spoke, the Honourable Member from up there in Southampton. She did not speak long, but she had a different tone—quite different than the tone of the Throne Speech [Reply] that drew many objections in the early stages, of which you had to speak to at the end, Mr. Speaker. I just want to say that we sometimes make the mistake of thinking that we know it all and the voters know nothing. Unfortunately, the governance that Bermuda experienced over the past four and a half years acted in that way, Mr. Speaker. They did not take to heart how the people felt. And as a consequence, one Honourable Member who spoke earlier said they had things in train. But on July 18<sup>th</sup>, from their perspective, it was a train wreck! And you would not expect us just to pick up that train wreck and go on the same train with that. No! Absolutely not. You have to take stock and we have a responsibility to the voters [who] voted us in and to those who did not as well, as [we] represent all people.

But with all due respect, you would not have had the unprecedented protests in this country over the past four years simply because an Opposition wanted it. No. You had it because of the way in which the Government acted. Their actions spoke volumes and caused people . . . let me say this, Mr. Speaker. It is mentioned in our Throne Speech pointedly. It was December 2<sup>nd</sup>, in that . . . and I was very happy. I cheered when this was said. I believe it is in the early stages when the Throne Speech made reference to

December 2<sup>nd</sup> and revealed that it would be looked into.

And it needs to be looked into comprehensively. There is more unsaid than said, and we owe it to those persons. Let me tell you, Mr. Speaker, I knew many of the persons who were there found themselves nearly crushed. I would venture to say that the average age was older than me, and I go 60 soon. And so many persons in our community deserve to know what really went down that day. You know, you just cannot come here and ridicule in one breath what civil disobedience means and then quote Mahatma Gandhi in another voice—not to say that it was done so today. You know, Gandhi was a lawyer. He went around the world well-meaning, ended up in a place and found himself having to stand up against the system. No different than persons who protested in Bermuda.

While we might trivialise (or persons opposite may trivialise what those persons stand up for), let me remind persons that for the most part there were many issues, but when immigration in your country is done so that within a five-year period, Mr. Speaker, the people that elected one Government in 2012, the whole cosmetics (for use of a word), the whole demographics of the electoral roll could be shifted to shift the balance . . . that is worth protesting for, Mr. Speaker. It is worth protesting for. And I am here to say that any jurisdiction would have found persons protesting if they knew that to be the case, especially those of us who sit here and know that all is not equal in Bermuda. It is not.

I know, Mr. Speaker, having been one who has contested six elections over 35 years since 1983, that there are persons who sit in this House who know that whether or not they knock on doors, or are good canvassers, they are going to win. Some of us have never had that luxury, Mr. Speaker. Some of us have to travel a different uphill road. The path is tilted against some people. It is not equal. And whilst, you know, I may be fortunate enough to have been one to experience that unequal balance, it pales in comparison to those elders who are 75 and 80, and even the gentleman that was in this House today who is 101 years [old] who knows what it really means to be up against an unlevel playing field.

And whilst you keep going along doing the status quo and trivialising politics, we are politicians elected to do political business. If you want to do business, go work for your company or go form one. I say that respectfully, because we need businesses in our community. But politicians are elected to represent the political concerns of the people, and if you think governance in this country is ignoring those people, then you are doing them a disservice and you should take the advice of Mahatma Gandhi and go somewhere else and contribute—

**An Hon. Member:** Hear, hear!

**Mr. Hubert (Kim) E. Swan:** —as you told that Minister that was there helping him (some advice that a former Member of this House told me to tell some people 10 years ago). Tell them to go somewhere else and help!

I say that respectfully, Mr. Speaker, because if we are going to come here, we have to reflect reality. And reality is, Mr. Speaker, that on July 18<sup>th</sup> the shareholders of this company—the country . . . people understand that language more than they understand what they are actually doing. The shareholders of this country issued a mandate: Take what I feel to heart.

And let me say this for persons who dare not respect the electorate of this country. This country is polarised. I have been saying this for years in private and in public forums. Okay? This country is polarised. It is polarised economically, it is polarised socially, we have 9 to 5 integration, okay? The people of this country who have really gone out of their way to integrate is the black community. Look at all the institutions in this country where blacks move towards, [then] our white cousins and brothers and sisters move away from. We have got to address this in a real way. We cannot have a country where 70 per cent of its people—not 70 per cent of its census (and that is another story for another day, you know, of African descent), and you cannot look around economically and see that representative in any leadership places. It is not right. It is socially unhealthy.

And you know often you used to hear persons say *well we are better than my cousins down in St. Kitts and Anguilla. Well, when the hurricanes miss us and hit them we might be better off . . .* but we are family. We are family and we have not really captured the essence of that family for cooperative economic purposes. And we need to look in that direction. We really do because we cannot have baby Zinzy coming up here in 10 or 15 years' time talking about economic empowerment. We need to have young Dennis Lister III coming up here in 20 years . . . I remember those speeches of Member Commissioning. I remember the Honourable Swan, you know, following him. And I am proud to say that the Lister family has grown from just having an insurance agency to a big company in finance.

You need to have dreams. You need to have a vision. Do not let nobody . . . young people, if you are listening today, do not let no one tell you that it is not good to have a vision or a dream. Where would I be without one? Lord help me, still up in White Hill playing euchre—good euchre, too.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** Mr. Speaker, I would encourage persons coming here today in a role unlike that of which I am blessed enough to be able to help a Government for the first time in my political career. All my years in Opposition . . . now able to assist and

help a Government. And I am so happy to be on a backbench; very happy to be there. Carry the water; sit on the bench, if necessary. But let me say, it is time for . . . as people used to tell me, it is time for solutions. It is time to take a page . . . and if you want an example, go back and look at some Throne Speech replies and some Budget replies from 1968 to 1997, as I did when I first came in the legislature, and look at the solutions that an Opposition put forward and the Government . . . there is nothing wrong with some good solutions and bringing them here and the Government taking them up. Nothing wrong with that. That is called politics.

But let me start with this. Let me start with the Throne Speech and say Bermuda First Think Tank. It is a good opportunity for collaborative contribution, most necessary in Bermuda today, Mr. Speaker. It was one I am very proud to have participated in as Leader of a former Her Majesty's Opposition, one in which I collaborated with, indeed with the former Premier of this country, Dr. Brown. Although we may have butted heads across the aisle, we worked collaboratively, and there are many things that you had to do to work through that because it was for the good of the country.

And why was Bermuda First introduced in 2008? Why? Because Bermuda went through the worst recession ever. The worst time! And through the efforts of the then head of HSBC at that time, and also the US Consul General at that time, Bermuda was able to enlist the assistance of all of the top executives in industry in Bermuda, international business and local business. That needs to happen again. And persons out there in the private sector hearing my voice, you need to get on board and help this Progressive Labour Party the same way during this time because the remnants of that recession lingered on a long time. And those in political opposition, present speaker included, for political reasons would have had you think that, you know, to get to a billion dollars was all because of bad decision-making. No! If you go into a recession where companies start downsizing and exiting, it is easy for an Opposition to blame it on the Government.

You know, one of my political mentors (I will not call his name) used to say, *Listen, you are in Opposition. You do not have to be responsible, you know. You know, tickle 'em up.* But let us look at it. If a Government enters into deficit spending because of the worst recession that this country has seen for 30-plus years . . . a quarter of a [billion] dollars times four is a billion dollars. Now, I am not saying that is how you got there, but I want you to know that there were contributing factors to that. And I am saying that in the context of Bermuda First. We need that type of collaboration today and we need it forthwith and we need the help of the Opposition to participate.

Why would a country like Bermuda need a living wage in the first place? There are too many ex-

amples of Bermudians working but not being able to make ends meet. Any person that comes to this country from overseas . . . one thing they know [is that] they are going to have somewhere to stay, they are going to have some insurance coverage, and if their family is back overseas they could work maybe 50, 60 hours, get some sleep and go right back there. Any Bermudian trying to have a family is discouraged from doing that.

We have got to address that in a real way. We cannot have a country where Bermudians cannot afford to live in it. And after the worst recession and a Government that did not consider the people in the way in which it carried itself out that . . . in a way to convince people that they did something that said, *Okay, we lowered the threshold of the tax you would pay . . . give me a break.* That is not right. It has not been right, and so we, Mr. Speaker, really, really, really need to address this in a real way.

Child and Family Services was mentioned in our Throne Speech and Financial Assistance. All of these intertwine in a real way. When your focus is on the people, you start to grapple with that it is just not one piece of legislation that can be brought. It is going to certainly take an ethos that ties into education that is going to address this. So when you have a Throne Speech, Mr. Speaker, that speaks to the fact that sporting clubs are going to know that they can receive some real assistance, some tangible assistance on a consistent basis . . . not just, you know, *oh, wave my hand, I got the grant this year from the proceeds.* No; a sustained support system. Then you can start looking at the type of social services that need to plug into those types of organisations, Mr. Speaker.

I know [from] knocking on doors there are workers in this country who can offer us a great deal of good valuable input, whether it be input through us in the backbench or [input] directly to the Minister, that is going to help this Government that cares about people address their real concerns because any family that is living below the poverty line in this community is really an at-risk family. And the statistics will show you that the middle class is shrinking every day. Shrinking! And when you have that happening in our society, Mr. Speaker, it puts us all at risk.

The Honourable Member, Mr. Commissioning spoke, as well he should, in his constituency and that of the Honourable Whip, the Honourable MP Weeks, and MP Roban, and certainly on the outskirts of MP Brown's constituency and others . . . the gang violence certainly has been in great proliferation and affected those families. So, we certainly need to put our resources into combatting and making no apologies about being a socially conscious, socially minded Government because we are a labour party and working-class people have put us there. People who would bake cookies because they . . . if they could, they would write the cheque. The love offerings up and

down the country, Mr. Speaker, are what we need to appreciate.

Mr. Speaker, on that same vein, public transportation, in my estimation was a candidate targeted for privatisation. Best way to privatise something or to rid yourself of something is to defund it! Defund it! And we need to certainly do what we can, and that has been mentioned here and certainly in our Throne Speech. Good governance, Mr. Speaker. And I know, Mr. Speaker, as you appointed me to one of your committees already (thank you), and good governance has featured in our Throne Speech, as a Member of Parliament here I certainly look forward to participating in good governance. We even have a Minister whose role is good governance, and she can count on me, the Honourable Member from constituency 3, St. David's, Ms. Foggo, a long-serving Whip for the then-Government and the Opposition, now for the Government. A Minister in good governance can count on support in the implementation of a code of conduct, as necessary, parliamentary oversight committees . . . and, Mr. Speaker, let us not forget the CPA benchmarks that were introduced.

I remember in another life tabling a motion to that effect, Mr. Speaker. It is important that we look at modernising our legislature to be able to provide the necessary support. We talk about the legacies of Bermuda. But it was not that long ago that the majority of persons that were in this House came from the aristocracy. So, it was not necessary, really, Mr. Speaker, to have the type of machinery that is required today, where Members of Parliament come from diverse backgrounds—as they should! But, we certainly need for Members of this House to have the necessary support that is equivalent and consistent to what takes place in other jurisdictions.

And as I wind down, Mr. Speaker, let me just say—

**The Speaker:** You have just under five minutes.

**Mr. Hubert (Kim) E. Swan:** Oh, my time is impeccable today. So why do you not just give me another 15, Mr. Speaker?

**The Speaker:** Now, now . . . you are on line and length. Continue.

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** Thank you, Mr. Speaker, I am guided.

Mr. Speaker, in this Throne Speech I think the Honourable Premier was speaking directly to me.

**The Speaker:** Mm-hmm.

**Mr. Hubert (Kim) E. Swan:** Unhealthy foods and the impact that they would have on a community. More of

us, Mr. Speaker, for whatever reason, can benefit from a change of mind-set when it comes to the choices of what our intake is.

In a younger me (a long, long time ago), I was far more active in my sporting trade and was able to burn off all those calories and think twice about what the intake was as it related to that performance. But to change the mind-set of a country who does not consume their foods with that in mind (of it being fuel for the body and the mind) . . . I think we have a challenge on our hands. Just yesterday I looked at a plate that had . . . I went to a function two nights ago as well. You know, there was the great macaroni and cheese, lots of cheese. There were two types of rice . . . and at that time, Mr. Speaker, you know where my mind went? Where is the potato salad?

*[Laughter]*

**Mr. Hubert (Kim) E. Swan:** And while I make light of that, Mr. Speaker, those of us who pass on those traits down the line are only fuelling future generations to be candidates for diabetes and other diseases that run rampant and are prevalent in our country, Mr. Speaker. And I really feel that the effort must be made to curb that, to make it more attractive for persons to appreciate the importance of walking instead of going there, and the importance of their diet.

**The Speaker:** Yes.

**Mr. Hubert (Kim) E. Swan:** And I speak from experience, Mr. Speaker, and I speak very seriously. It is a national problem, and we have to do our part. Even if it means that persons in an economic position may say *you are hurting me*. But you are hurting *we*, too and that is where our responsibility . . .

Mr. Speaker, in closing, tourism is a very important subject to me as a member of legislature and in my trade. And let me say, Mr. Speaker, that this little mention of encouraging more dwelling units and encouraging persons to turn a portion of their home into a dwelling unit, whilst it is also touted that it will create some construction work, it may very well be the type of solution that will help Bermudians get a greater stake in the tourism industry. Some 35 to 40 years ago up and down the country, Mr. and Mrs. Bermuda were a part of the tourism trade in that way and opted to move towards international company business for those long-term rental units that this brought. Today, with our greatest resource in tourism being our people, bar none, we need a way to engage more people in the tourism industry. That is one way. And making sure that we see more Bermudians in management is another way.

Mr. Speaker, I see you looking at your clock. I just want to say thank you for allowing me this opportunity to give my version—

[Timer beeps]

**The Speaker:** Well, Mr. Swan—

**Mr. Hubert (Kim) E. Swan:** —of a maiden speech.

**The Speaker:** —you managed your time very good.

Any other Member? I see the Honourable Member Mr. Smith from constituency 31. Honourable Member, you have the floor.

**An Hon. Member:** Maiden speech.

**The Speaker:** This is his maiden speech, yes.

**Mr. Ben Smith:** Mr. Speaker, I would like to speak directly to the sport—

**An Hon. Member:** Microphone, microphone.

**Mr. Ben Smith:** Mr. Speaker?

**The Speaker:** Yes, go ahead.

**Mr. Ben Smith:** I would like to speak to sport and the impact that sport has on the country. We cannot minimise the impact that sport can have on a society. Most countries have embraced the idea that sport has a very important role to play in a country.

Obviously, we have heard a couple of times tonight people talking about the health benefits and the things that we need to be doing as a country because we have, in essence, a sick country; a country that needs to be healthier. They need to work out more. They need to get more active. That is something that we need to start at a young age. We need to have our kids engaged in sport.

But it is not just the physical part of sport that is important. There are the ideas that can be given to young people by coaches, by people who are involved in a positive portion of their life. As somebody that has been working in sport for the last 24 years, I know that you can have a huge impact on a young person's life. When you have this opportunity to stand up in front of young people and talk to them about what they can do, goal setting, commitment, dreaming about their future . . . I think it is important that we start to support the people that are doing this on a day-to-day basis.

There are a lot of coaches and managers and officials that have volunteered a lot of time over the last generations for us to see the results that we have been seeing from a very small country on a world stage over the last few years. Bermuda, as a small country, has been punching way above its weight performing in our region within our national sporting governing bodies across the world with world champions in multiple sports. There is now an opportunity for us to understand that we can build off of those successes.

One of the mistakes that I believe has been made is a lot of times we look for our expertise from overseas. We have people in Bermuda who have been living this life, who have been working hard for Bermuda, representing the country well, teaching our young people. And we need to now start to have those people understand that they are supported. It is not just financially, but financially is important.

The responsibility of sport has become even bigger because we have so many social ills in our country now. There are so many problems with our young people that we need to take this opportunity to have those young people understand that we have positive people in our country that can help them. So, my thought for this is that we have athletes that have gone around the world and have had great accomplishments worldwide. We need to spend time looking at those people to talk to the next generation.

I will give you an example. Roy-Allan Burch, who accomplished more wins in swimming competition than any person who came before him. In his last year of competition, he blew out both of his knees. He could have given up, but he looked at it and said, *I want to represent my country at the Olympic Games.* It was the dream. *I want to give back. I want the next person (as he would have said) in Somerset to realise that they can do what I am doing.* Rather than making a choice to sit on the wall or hang out with the people that are doing what most of society is not looking for our country to do, he said, *I want to represent the country at the highest level and be an example for the next generation.* So, he fought back and he worked hard, and in a year he was able to hit the qualifying time.

But we should be telling that story in our schools. He is an example to many of the positive impact that can happen from people who grew up in this country, who worked hard and did everything that they could to get to the next level. But here we are. Multiple persons have asked him to speak in the US. He is travelling in different parts of the US to speak to young people in their country because they see the importance of his message. What I am saying is we need to start to understand that this message . . . if you are a young person in Bermuda, it makes more sense for you to hear the message from somebody that grew up where you grew up, who lived what you lived. They understand all the struggles that it is going to take to get to that next level.

We also need to make sure that we are giving the support to the people who are giving this tireless work. Without asking for accolades, they put in the time to make sure that our young people are going to be successful. We also need to make sure that we are in a situation where we hold up our athletes and young people that are doing well. We are more likely to see the bad decisions that are made. We are more likely to see the mistakes that are made than we are

to see the people that should be an example for the next generation.

Mr. Speaker, I believe that we have a country that has a lot of young people who are looking for somebody to help them, to guide them to the next level. But with all the changes in our society, some of the coaches, some of the people who are working with our young people need now to have more guidance. They need more help. They need more support because they have to fill multiple roles. You are not just a coach anymore. You have to make sure that you are talking to them about nutrition, about strength and conditioning, the sport psychology. A lot of times you are the parent. You are making sure that they have got food. When you have that many things weighing down on these people that are giving this positive message to our next generation, we need to make sure that we are supporting them so that they have the energy to continue on that path.

Mr. Speaker, most countries have figured out that sport can lead to great things within their country. The national pride that happens when a national team is representing Bermuda . . . anybody that has been to a football game when Team Bermuda is playing, anyone that was at the America's Cup and watched our Team Bermuda, which was brought together from different walks of life, from different sports and were challenged to reach the highest heights and were able to win against teams that had been training multiple years before them . . . you could see the pride in the country.

Mr. Speaker, I believe that giving more support to sport and giving more support to the people that can give that positive message to our young people is something that we should all be getting behind. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Member, for your comments.

*[Desk thumping]*

**The Speaker:** Does any other Member wish to speak? I recognise the Minister of Education. Minister, you have the floor.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker, and welcome. And thank you to the listening public that is tuning in to this very important Throne Speech debate.

But, Mr. Speaker, it is obvious. From where I stand it is almost impossible. As a matter of fact, it is virtually unfathomable to take anything that the Opposition has said today about education seriously. Unfortunately, I find myself here having to waste time addressing erroneous statements. Unfortunately, if, when the Opposition was Government, they had actually taken the time to pay attention to education and

the state of our infrastructure, we would not be here listening to the rubbish that they have produced.

They have the temerity to stand here today and pollute our and the public's ears.

**The Speaker:** Keep it clean, keep it clean.

**Hon. Diallo V. S. Rabain:** Do not worry, Mr. Speaker, I will bring it back.

**The Speaker:** Okay, thank you.

**Hon. Diallo V. S. Rabain:** I am just a little upset at what I actually had to read today.

**The Speaker:** Stay on point. Keep it clean.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, the strategic plan that I spoke about this morning was initiated by the Board of Education. Again, I reiterate. If the former part-time OBA Education Ministers—I believe there were four in four and a half years—understood anything about the Ministry, they would know that the Government cannot initiate the process. It starts at the Board of Education. So, to suggest that this plan belongs to the One Bermuda Alliance highlights the narrow sightedness that this Government had—this former Government had—and why they are not sitting as Government today. Mr. Speaker, this strategic plan belongs to the people of Bermuda, not the One Bermuda Alliance.

Mr. Speaker, something else stands out in their Throne Speech [Reply]. Why do we not look at page 12, Mr. Speaker? You know, the One Bermuda Alliance talks about they are disappointed that their efforts to install Wi-Fi in the school was not acknowledged. Well, Mr. Speaker, let me fill my colleagues in. Let me fill in the listening public on the progress that the former administration did make with Wi-Fi so they can get the credit they rightfully deserve.

Mr. Speaker, you will know that in the 2017 Throne Speech it was announced that Wi-Fi would be active in Purvis Primary and East End Primary by the beginning of the school year. Well, colleagues and listening public, Purvis and East End Primary put in a request for Wi-Fi in March 2017. It was installed under this Government. It went nowhere under that administration. And let me explain why they put in those requests, Mr. Speaker.

Purvis had wireless devices donated to them that sat in their computer lab useless because they did not have Wi-Fi to use them. At East End Primary, there is a student that is visually impaired that had a laptop donated for his use that required Wi-Fi. So, if the One Bermuda Alliance wants credit for what they did to install Wi-Fi, there you go. Take the credit. You did nothing. You did nothing for our children and they stayed with this equipment that required Wi-Fi from

March 2017 when they first requested it until September 2017 when this Government made it possible.

So, you know, when I read this, Mr. Speaker, I just wondered what was going on. But I can understand. When you are a part-time Minister, when your Government gives part-time attention to the Department of Education and the Ministry of Education, these are the types of things you produce, this . . . absolute rubbish. Mr. Speaker, putting this in [their Reply] is something they are just trying to score some political points with. But I am here today, unfortunately, having to tell the truth of what really, really had to happen.

So, Mr. Speaker, again, in the Throne Speech [Reply] on page 12, [says that] the OBA Government had entered into an agreement with a new wireless Internet company to provide Wi-Fi services to all of our schools. Mr. Speaker, this is not only erroneous, it is completely incorrect. There is no agreement that exists. But I will let the public know what they are referring to. So, let me address that statement.

Mr. Speaker, the previous administration was approached by a new Internet company called Bluewave who presented them with a proposal to put Wi-Fi in our schools—a proposal, not an agreement, a proposal, Mr. Speaker. Nothing was signed. I repeat, nothing was signed. In fact, Mr. Speaker, two other companies have approached the Ministry of Education with a proposal.

But, Mr. Speaker, when I came into this position and we talked about . . . the first thing I asked is *What is going on with this Wi-Fi?* I heard about Bluewave, blah, blah, blah, and then the other companies came on board. But guess what, Mr. Speaker? The first thing I asked for, as any intelligent Minister would ask for, is *What is our Internet policy within our schools?* To my surprise there is not one. It does not exist. So, we cannot put unfettered Internet access within our schools without an Internet and Wi-Fi policy in place.

In fact, when this Government—who intends to follow every single rule . . . and we will get to not following the rules as I see the Member leaving the Chamber, we will get to that . . . When we follow the rules, the rule is that when we get unsolicited proposals, we send them to the Office of Project Management and Procurement and they came back and said—what? Guess what they said? *We cannot judge any of these proposals because you do not have an Internet policy.* So, Mr. Speaker, that is what we are working on, an Internet policy, because under the previous Government we would have had services installed without any sort of checks and balances in place to ensure that the service being installed was delivering exactly what we wanted it to deliver, and that is an enhanced education product.

So, continue to print erroneous statements like this. Continue. That is the reason why you are sitting over on that side.

Now, Mr. Speaker, I understand in the rush to produce an election ploy, you know there were hasty movements to get this Internet, to say *We are doing something*, after hearing [the PLP] say *Why do we not have Internet in our schools, why do we not have Internet in our schools?* As our Throne Speech stated, Mr. Speaker, we will have Wi-Fi Internet installed in all of our primary schools and middle schools by the end of the school year, period. And it will be done properly. It will be done according to the law, and it will be not done because we know someone who knew somebody who might want to install antennas on our schools.

Now, Mr. Speaker, a lot has been said about the state of our schools and about our infrastructure. As we stated, we will conduct a comprehensive building survey of our schools—a proper building survey. Anyone who is in construction, anyone who is an engineer, anyone who knows anything about buildings [knows that] a proper building survey is not a cursory report, as the school report was. And I knew we were going to hear about the school report, Mr. Speaker, because that is their shining glory. But what they do not realise, and what they have not realised, and what they probably would never realise, [is that] the school report . . . and when I say try to use the school report to close schools, there is a reason why it failed. It failed because it is not a report that talks about what truly needs to be done with the infrastructure. It presents no data of what needs to be done, what it will cost to do it and how it can be done.

Until we produce that, all we are doing is spinning our wheels. We need solid evidence to give to people to say what is it going to cost to bring this school up to scratch. That is what we need. Not a political report that was done for political ends that, like most things that the now-Opposition presented when they were Government, failed. Simply failed.

Like I said, Mr. Speaker, we will be doing things by the law. We will be doing things within the remit of the parameters that we have been given. Right now we are dealing with a case, Mr. Speaker, where apparently someone on that side, one of the Members on that side and then two of them (one in the Chamber, one has left) decided it was okay to verbally give a school agreement to say *Go do those renovations, we will find you money.* They are no longer the Government now and the schools now find themselves scrambling to find money for the repairs that someone over there verbally told them go ahead and do—over \$200,000 worth of repairs, Mr. Speaker. Not one Cabinet paper put together—not one. Look at the estimates . . . *just go do it and we will find the money.* That is the type of opposition we had when they were in Government. They talk about this side and the way we manage our finances. That is what they were doing and that is what they were caught doing, with their pants down, Mr. Speaker.



Mr. Speaker, our schools will be inspected properly. Our schools will have proper health and safety inspections done. Our schools will have proper maintenance done, and our parents, our teachers and our students will be very confident to know that they walk into schools knowing that their health and safety has been protected by this Government.

Mr. Speaker, education is not a joke. Education is an area that needs to be taken very seriously. The fact that we have had four Ministers in four and a half years from that side indicates how serious they take the education of our children. This Government has committed to education and putting the resources behind what needs to be done, and I make no apologies for that. Our students will get the best. Our students will get the best that we can afford to give them. For far too long our students have been the recipient of inadequate resources due to the previous administration's desire not to put our children first.

Mr. Speaker, on July 18<sup>th</sup> that side was rendered a verdict. A verdict that said *we do not like what you do. We do not like how you have done it and we want change.* When I read this . . . no lessons were learned. They did not understand that they were unceremoniously dumped from Government. They are probably going back . . . when we used to say they will be a one-term Government if they continued down the path and they have not reflected on that. The only good thing they have done, Mr. Speaker, is recognise that that party will never, ever win with the former leader that they have. He is now what, 5-0 as a leader of a party in elections? Is it 5-0 now? 0-5?

**An Hon. Member:** [In] 2007.

**Hon. Diallo V. S. Rabain:** What 2007? 2014, 2015, 2016, 2017. He cannot even get a referendum right. Well, we know that narrative.

Mr. Speaker, we owe our students 100 per cent. We owe our students 100 per cent of everything that we can do to make sure that they have the best start in life, and this Government is the Government to do that. Everything that I have read in this statement highlights what the previous administration did in their four and a half year experiment as Government. Nothing has been said today that can even begin to suggest that they have learned a lesson, and they have learned a lesson from that spectacular defeat that they suffered on July 18<sup>th</sup>.

Mr. Speaker, after hearing our Throne Speech and the Opposition's Reply, I am confident that the listening public are even more certain that they made the best decision that they could ever make on July 18<sup>th</sup>. It is time for our students to come first and that time is now.

Mr. Speaker, the PLP has clearly demonstrated that they are the one Government that has committed to do so, and they have always continuously committed to being the Government that will put our

children first. That is why, Mr. Speaker, I am happy to stand here and say Dellwood Middle School will be open on Monday and all rooms that were deemed, or ignored, by the previous administration have been certified as safe for human occupancy. That is what we are about, Mr. Speaker, putting the shoulder to the wheel and do what needs to be done for the children of Bermuda and their education. Something that that side cannot even begin to hang their hat on and say that they even tried, Mr. Speaker.

Thank you.

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

Does any other Member wish to speak? I now recognise the Honourable Member, Mr. Cole Simons, from constituency 8. Mr. Simons, you have the floor, Honourable Member.

**Mr. N. H. Cole Simons:** Thank you very much. Thank you very, very much.

Mr. Speaker, I had planned to start my presentation on a different matter, but as the Minister of Education has just spoken, I think I will just go directly to Education. The way he spoke, one would believe that the public school education is not producing anything positive at all. Truth be told, a number of students within our public school systems, be they private school, preschool, middle school and secondary schools, are doing really, really well. Can we do things better? Absolutely, we can do things better, Mr. Speaker. But, people would lead us to believe that our schools are not getting any resources. You would be led to believe that nothing is being done to advance the academic standards of this country.

If you went to the graduation classes, if you went to Berkeley's graduation, like I did, if you went to CedarBridge's graduation, like I did . . . our school output measures are phenomenal. We have young people going to universities and world-class institutions—world-class institutions—in Canada, the US, and the UK. Mr. Speaker, those students have met international standards. Mr. Speaker, if you look at the Bermuda College, you have the dual enrolment. We have young people who are getting associate degrees before they get their high school degrees. Again, a testament to what is going on in our public school education.

So, I have listened to the Minister, and he can come down hard all he wants. But look at the output measures and tell me how you intend to improve them.

Mr. Speaker, the gentleman, the Minister of Education, in his Throne Speech talked about the middle school and how they are going to possibly phase it out over time. Well, Mr. Speaker, tell me . . . you tell me what empirical evidence this Minister has brought to this House or presented to the people of this country that would demonstrate that middle schools are not positive for our young people. What is

happening to the students in our middle schools? Are they not up to scratch? Are the schools not performing? And if they are not performing, what support are you providing them to ensure that the middle school system that we have in place produces outcomes that will get the best for our middle school students? I would like to hear that.

You cannot say you are going to look at eliminating middle school and then present no empirical evidence that they are damaging our young people's academic careers, Mr. Speaker. And, if you are not satisfied, I think it is incumbent upon you as the Education Minister to ensure that those schools get the support, that those teachers get the support that they can basically provide the output and the quality of education that is needed for our middle school students.

So, I ask the Minister to revisit and provide more meat on the bones so that this community can understand why they feel it is a necessity to phase out our middle school tuition and education.

Mr. Speaker, we cannot talk about education without talking about teachers. Mr. Speaker, teachers are an integral part of education, as we all know. And I think they need more support as well, Mr. Speaker. I have to admit, I sat in the Ministry of Education as the Minister for four or five months, and it was an eye-opening experience for me. The Minister talked about part-time Ministers. Well, this part-time paid Minister did a full-time job and spent full-time hours in that seat.

**An Hon. Member:** Amen.

**Mr. N. H. Cole Simons:** So, what you do in your full-time, I did in my part-time pay.

*[Laughter]*

*[Desk thumping]*

**Mr. N. H. Cole Simons:** Mr. Speaker, let us get back to the teachers. Mr. Speaker, I am very sympathetic with the teachers in that the collective bargaining agreement has taken quite a while to consummate. Mr. Speaker, like other professions, these professions should be honoured. There should be dignity brought to this profession. And in my humble opinion, I cannot understand why it has taken so long for the teachers and the unions and the stakeholders to agree on this collective bargaining agreement year after year after year after year.

**Hon. Diallo V. S. Rabain:** Point of order.

**The Speaker:** Member from constituency . . . would you please yield?

Minister, you have a point of order?

## POINT OF ORDER

**Hon. Diallo V. S. Rabain:** Yes, Mr. Speaker, the point of order is I want the former Minister to explain to us how he can make that statement when the teachers issued a work to rule under his Ministry when he was in charge which was lifted under this administration.

**The Speaker:** Thank you.

Member from constituency 8, Mr. Cole Simons, you have the floor. Continue.

**Mr. N. H. Cole Simons:** I will continue because that just does not warrant a response.

**An Hon. Member:** Amen.

*[Laughter]*

**Mr. N. H. Cole Simons:** Mr. Speaker, at the end of the day, we are in the 21<sup>st</sup> century and we have to basically have international teaching standards. And I believe that we need to do more to improve the standards with the input of our teachers, with mentor teachers, we need to have high performing teachers and we have to have programmes that provide support and get the best out of our teachers. I have heard very little in the Throne Speech in supporting our young teachers.

In addition, I would like to ask the Government to consider a professional development centre for our teachers and administrators where they can get professional development, tailored training, and provide resources where they can grow and be the best that they can be. Again, not a thing mentioned in the Throne Speech on professional development, professional development centres—

## POINT OF CLARIFICATION

**Hon. Diallo V. S. Rabain:** Point of clarification.

**Mr. N. H. Cole Simons:** —for teachers and administrators.

**The Speaker:** Will you yield, Member?  
Minister, you have a point of order?

**Hon. Diallo V. S. Rabain:** Yes, Mr. Speaker—

**The Speaker:** Point of order or point of clarification?

**Hon. Diallo V. S. Rabain:** Point of clarification. If the Minister would be so kind as to go and read our platform it spoke to schools of excellence for teachers. So, it is something that is on our radar. The Throne Speech is something that can be accomplished within the 12 months that go between Throne Speeches, Mr.

Speaker, and we are only going to put things in there that we know we can accomplish—unlike that side—

**The Speaker:** All right, thank you.

**Hon. Diallo V. S. Rabain:** —that they did not accomplish at all.

**The Speaker:** Thank you, Minister.  
Mr. Simons, please continue.

**Mr. N. H. Cole Simons:** That gets to my point. If we are talking about education, a key component of education is the teacher. And the teacher should have as much prominence and priority as the students and the plans. And, so whatever you do in the first year—

**Hon. Diallo V. S. Rabain:** Point of clarification.

**Mr. N. H. Cole Simons:** —somewhere in there should be a plan for the development and support of our teachers.

**POINT OF ORDER**

*[Imputing improper motives]*

**Hon. Diallo V. S. Rabain:** Point of order—

**The Speaker:** Mr. Simons, hold on. Mr. Simons, are you going to yield?  
Minister, your point of order?

**Hon. Diallo V. S. Rabain:** Point of order is the speaker is imputing improper motive. That Member is imputing improper motive. If the Member would remember the strategic plan, if he was actually at the Ministry he would remember—

**The Speaker:** Make your point.

**Hon. Diallo V. S. Rabain:** —the strategic plan speaks exactly to what he is talking about within the first year of implementation.

**The Speaker:** Member, continue.

**Mr. N. H. Cole Simons:** Thank you, thank you.

*[Laughter]*

**Mr. N. H. Cole Simons:** Thank you very much.

*[Inaudible interjections]*

**Mr. N. H. Cole Simons:** But as he said, if this was important for education, teachers should be having more prominence in the first year of the PLP Government. If you believe that this should be part of the strategic plan, you can say in your Throne Speech,

*Teachers, we have not forgotten you, we are working with you in the strategic plan and the issues that are important to you will come out in the plan.* But again, no mention in the Throne Speech about what they are doing to support our teachers to get the best of our teachers and position our teachers to be the best that they can be.

**Some Hon. Members:** Point of order.

**Mr. N. H. Cole Simons:** So, he can talk about his manifesto all he wants.

*[Inaudible interjections]*

**The Speaker:** Hold on, hold on.  
Member, Mr. Simons, are you going to yield?  
Okay, your point of order?

**POINT OF ORDER**

*[Imputing improper motives]*

**Hon. Diallo V. S. Rabain:** Once again, that Member is imputing improper motive. Again, if he could read, and if he did understand anything he would see in the Throne Speech it says the strategic plan will be implemented by September 2018 and he would know that the first year of the plan involves raising teacher standards. When you are a part-time Minister, you would not understand these things.

**The Speaker:** Minister, Minister, when you make your point, just stay on to the point. You do not need the side little comments in this debate.

**Mr. N. H. Cole Simons:** Mr. Speaker, Mr. Speaker—

*[Inaudible interjections]*

**Mr. N. H. Cole Simons:** Mr. Speaker, this—

**The Speaker:** Excuse me, take your seat, Minister.  
Madam Opposition Leader, do you have a comment you would like to make to me?

**Hon. Patricia J. Gordon-Pamplin:** I beg your pardon?

**The Speaker:** Do you have a comment you would like to make to me as a Speaker?

**Hon. Patricia J. Gordon-Pamplin:** I was speaking to myself.

**The Speaker:** Oh, well, if you speak to yourself, say it so the rest of us do not hear it, please. Thank you.

I did ask the Minister when he was on his feet to stick to his point. Do not make side comments that are not necessary to make his point of order. Did I? It

does not need your comment to support what I have to say.

Thank you.

Mr. Simons, continue.

**Mr. N. H. Cole Simons:** Mr. Speaker, as the Minister has just indicated, the strategic plan is not finished. The strategic plan is still developing. So, how can one say this is what we are going to provide the teachers with in the strategic plan when it is currently being drafted? It has not yet been finalised, so how can he get up and say this will be done for the teachers in 2018 knowing fair well that it is still being developed—input is still being drafted in addition to having all these public meetings, and so it is not final. So, nothing—

*[Gavel]*

**Mr. N. H. Cole Simons:** —nothing has been presented to demonstrate that the teachers have been addressed at this point during the Throne Speech debate. It has been silent and we will assume nothing, and that is why I am presenting this issue the way I am presenting it.

*[Inaudible interjection]*

**Mr. N. H. Cole Simons:** Mr. Speaker, the same thing applies to our principals. We want to support and we encourage the Government to support our principals. We want to encourage them to embed service standards throughout their schools and the departments. We want performance goals, and we want to ensure that those schools are run with efficiency and that the teachers are accountable and the principals are accountable for good performance. And that may mean giving principals more autonomy. It might mean allowing them to consider hiring their own staff. It might mean basically having principal mentorship programmes.

You have new principals, you have experienced principals, you have principals that have been around for years, and I think people would learn quicker and have a better in-depth knowledge of what is expected of them if they had a robust principal mentorship programme. So, I encourage the Minister to look at that as well.

The STEAM programme, as was said in the Opposition response, Mr. Speaker, we agree that it should be given at the primary school. We want to applaud the Bermuda College for supporting trades and the STEAM programmes. We know the STEAM programme is already in the middle schools. We know they are also in the secondary schools. So, we have no objection to the Government presenting the STEAM programmes in the primary school.

As for Bermuda College, we would like to see them have more articulation programmes, and we

would also encourage the Government to give the college support so that they can have a broader selection of bachelor's degrees and master's degrees issued from Bermuda though various articulation programmes from world-class universities here that are interested in working with our Bermuda Government.

Mr. Speaker, the other issue that I would like to raise is the issue of preschools. Mr. Speaker, I would also encourage the Government to consider . . . and I think it is going to probably be, it may be, in the strategic plan. We may consider having a curriculum for preschools so that when our young people transition to primary schools through some performance standard, there are behavioural criteria, there are some academic standards that have been met, so the students go into primary school better prepared.

As we know, the foundation years are truly the foundation years and form the cornerstone for the rest of our young people's education. As a consequence, we encourage the Government to have a preschool curriculum. In addition, we also encourage all four-year olds to be registered in a Bermuda preschool so that these young people can have the best foundation. There is a creative curriculum that encourages and develops creative thinking, cognitive thinking, and confident thinkers. Again, this is all embedded in the preschool curriculum, and we encourage the Government to continue with that. I know that a number of schools have started that and I want to applaud them for the work that is being done in that space.

Now, I would like to address some of the issues that were raised specifically. The Minister spoke about Wi-Fi, and I have to admit a couple of points I give him credit for. But when it came to Bluewave, I never said that we had a contract. I said we had an agreement. They came to us, we agreed in principle that we would work with them in exchange for an arm on the tower, and they said as part of the remuneration package they would basically provide free Wi-Fi to our schools. It was an agreement in principle and more work was being done to develop a contract.

**Hon. Diallo V. S. Rabain:** Point of clarification, Mr. Speaker.

**Mr. N. H. Cole Simons:** No, I am not—

**The Speaker:** The Member has chosen not to yield this time. Let him continue his point.

**Mr. N. H. Cole Simons:** Because I am explaining what happened. We had an agreement in principle with Bluewave, and the Government and I had charged the Ministry of Education to draft up a contract so that it could be final. When I left, that contract had not been completed. And so, yes, I agree that there was no contract; but there was an agreement in principle to move forward, and that is what I am speaking to.

You also mentioned the Internet policy, the Wi-Fi—

**Hon. Diallo V. S. Rabain:** Point of order. Point of order.

**The Speaker:** We will take your point of order.

**POINT OF ORDER**  
*[Imputing improper motive]*

**Hon. Diallo V. S. Rabain:** Again, the Member speaking is imputing improper motive. There is no agreement in place. There was nothing signed.

**The Speaker:** Minister, Minister—

*[Inaudible interjections]*

**The Speaker:** Minister, Minister, Minister, I think the former Minister was trying to give an explanation. He did agree that there is not a signed contract in place. He is giving his explanation as to where it was when he left. I was trying to let him finish so that we can get a full explanation on that. Can we let him finish so that we can get a full explanation?

Thank you.

**Mr. N. H. Cole Simons:** As I said, in business, before you enter a contract officially you have to have an agreement on something, and an agreement in principle on what will be covered in the contract. And, so, as I said—

**Hon. Diallo V. S. Rabain:** Point of order. There is no agreement in principle.

**The Speaker:** I have not recognised . . . I have not recognised your point of order, Minister. So please do not continue. I am trying to let the [Member] get through this so that I can get an understanding because I know you have concern. If he can explain it maybe we can get a better judgment on what he is saying before you jump up the next time. I am just trying to get him through his explanation.

**Hon. Diallo V. S. Rabain:** I do apologise, Mr. Speaker, but he—

**The Speaker:** That is all.

**Hon. Diallo V. S. Rabain:** —he did say . . .

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

**Mr. N. H. Cole Simons:** Now, let me move on to another point. So, I am not going to waste more time trying to repeat myself because it is taking up my time.

The other issue that the Minister just raised is that there was no Internet policy or Wi-Fi policy in school, and that is what he was working on, and he was asking how we can have all these services provided if we did not have an Internet policy or Wi-Fi policy. Well, I acknowledge that makes sense. But Berkeley Institute already has Internet and Wi-Fi. CedarBridge has Internet and Wi-Fi, and you just said Purvis and East End Primary will have Internet and Wi-Fi shortly. So, how is it that they can have those services and yet there is still no Internet policy, as you said?

*[Inaudible interjections]*

**Mr. N. H. Cole Simons:** No, you have had your time. I am continuing, because I do not want to run out of time.

*[Inaudible interjections]*

**Mr. N. H. Cole Simons:** Not right now, thank you.

**The Speaker:** Minister, if you are not speaking to the Chair, you have to keep your comments to yourself please. Thank you.

**Mr. N. H. Cole Simons:** Thank you very much.

Now, I would like to just briefly go through some of the comments in the Throne Speech that are not related to my Ministry that I thought I would comment on.

On page 3, you spoke to the “Government will increase Bermuda’s outreach around the globe by staffing the empty Washington DC office and increasing engagement with the European Union . . .” We had the Washington [DC] office staffed before. That Government did not feel that the output from that office was up to scratch. In addition, if we are to do it again, this time we need to have people in Washington [DC] who are connected to the top tier of Government.

What I noted from my time in my Government’s tenure is that most of the meetings that are arranged in Washington [DC] were arranged by Cabinet Ministers and business people here in Bermuda and they made the contact in Washington [DC] themselves or they made contact through their contacts in Washington [DC]. Historically, the Washington [DC] office has not been effective in allowing the shakers and movers of Bermuda to reach and get maximum benefit from the shakers and movers of the US Government.

Now, they also said on the same page that they were going to re-establish the Bermuda First Think Tank. Mr. Speaker, I remember when the Bermuda First Think Tank started, and I thought it was a splendid idea. We had all the business titans, all the heads of industry involved, all these various subcom-

mittees, and it was fabulous. Things progressed, they made recommendations, and now most of the members have said that wasted their time because nobody was interested in implementing the recommendations that they spent hours and hours and hours of time on for the betterment of this country. They did report after report after report after report, and nothing was done with it. And so, if they are going to reinstitute the Bermuda First Think Tank, I think you need to make a commitment to being open-minded enough to accept the recommendations that they have put forward for the betterment of Bermuda.

The other issue that I would like to speak to, Mr. Speaker, is the banking options. You know, I am a banker by profession. So I declare my interests. I would like to have seen more details on how they are going to provide more banking options so that we can increase opportunities and finances for Bermudians, legitimate aspirations in our society. I would love to hear more details on that.

I welcome the bipartisan committee on immigration. In fact, I am prepared to lend my support should I be invited.

As for the issue of . . . I spoke to the middle schools already. Bear with me, Mr. Speaker. Oh, the sugar tax. The sugar tax, I think, warrants some merit but I would like to have more details. I know most sugar taxes address fizzy drinks. So, what happens with candy? What happens with chocolate? What happens with, you know, grocery stores that bring in chocolate pies? What happens with grocery stores that bring in, you know, fine desserts? Again, are they going to be covered under this sugar tax? So, again, I would like to have more details on that. In principle, I think it has some merit and I think it is worth continuing.

The other issue that I would like to address is the decriminalisation of cannabis. That is an interesting issue because you know a lot of that was driven by the stop lists (last time I said the blacklist, but the stop list). And, I had a chat with a senior US Government official and they indicated to me that the US Government had not taken an opinion on whether decriminalising cannabis possession for amounts less than seven grams, the Government has not said that that would remove the challenge that we face with the stop list. They have not had an opinion; they are studying it. So I am just hoping that the stop list is not the primary reason for decriminalising cannabis. Because if it is, it may not bear the fruits that they expect from the US Government. And this is based on a comment that I had with a senior US official, because they have not taken an opinion on it at all.

Mr. Speaker, again, thank . . . oh, governance. The Honourable Member from St. George's touched upon the point that was near and dear to my heart. And that is the CPA [Commonwealth Parliamentary Association] benchmarks. Now, on page 16 we spoke quite a bit about governance, including con-

duct of parliamentarians. But as former chairman of the Parliamentary Governance Reform Committee, I am hoping that this section will bring legislation to the House that will provide more independence to Parliament so that we can meet our CPA benchmarks. I understand that the legislation is three-quarters of the way through, and I look forward to the day that it will come to the House so that we can truly refine the democratic and principles of governance to Parliament. So, again, I look forward to that and if I can continue to play an integral role in helping make that a reality in this country, I make myself available to make it happen.

With those few words, Mr. Speaker, I will now take my seat and thank you for the time.

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

Does any other Honourable Member wish to speak? I recognise the Honourable Member from Warwick [South Central], Mr. Tyrrell.

Mr. Tyrrell, you have the floor. Mr. Tyrrell, you are the 12<sup>th</sup> speaker, so we are one-third through the Members today on this debate.

**Mr. Neville S. Tyrrell:** Well, better to be 12<sup>th</sup> than last, I guess. Thank you, Mr. Speaker.

Mr. Speaker, let me firstly congratulate you on your ascendancy to the seat. I wish you well and I am going to make a promise to you that you will not have any problem with me.

**The Speaker:** I appreciate that.

**Mr. Neville S. Tyrrell:** You will never have to throw me out.

Mr. Speaker—

**The Speaker:** I will hold you to that.

*[Laughter]*

**Mr. Neville S. Tyrrell:** Mr. Speaker, let me start my presentation, if you will allow me to read it, with a quote from Mahatma Gandhi. "The true measure of any society can be found in how it treats its most vulnerable members."

I may have to say that again as I go through my presentation, but I certainly rose, Mr. Speaker, to say that I came here today with great anticipation knowing full well (having seen the Order Paper) that we were going to get a Reply to the Throne Speech from the Opposition. And I have been greatly disappointed. I say greatly disappointed because . . . and again, please allow me to read from it, from page one, third paragraph, it says, "We have committed to working along" . . . no, no, no, I want to start even further. Paragraph one, I will just read a few lines. It says, "incompetence of the prior PLP administration which resulted in a mammoth financial hole . . .". Then they go

onto paragraph three, “We have committed to working along with the Government, and to afford them support for those programmes and policies that are deemed to be for the better good of the country, a courtesy that was exhibited infrequently while they were in opposition.” Still on page one, and then I hear “which was short on real solutions and long on studies.” They were talking about our Throne Speech.

Mr. Speaker, they left me on page one. That is where I stopped right there. I am totally disappointed because it appears that the now Opposition . . . well, first of all, they believe that their problems started on the 18<sup>th</sup> of July. It really did not. It started on December the 2<sup>nd</sup>. That is when the death throes started. I cannot believe that they really thought that they were going to win this election having known what happened on December the 2<sup>nd</sup>, and then they are all on to July the 18<sup>th</sup>. My last attention to that is in cricket terms, they got a two-to-one.

Now, we all know what a two-to-one means when you get a two-to-one. I will leave it at that.

Mr. Speaker, I am going to now direct some attention to the Throne Speech itself and let me give congratulations to my leader—

**The Speaker:** You say St. George’s is the one that’s got a two-to-one this year?

**Mr. Neville S. Tyrrell:** Mr. Speaker, do not start me. I just told you, I promise that you will not be able to throw me out, so do not start me. You know I am a loyal St. George’s supporter. But anyway, let me move on, Mr. Speaker. Thanks for that, thanks for that.

There are a few points . . . As I said, I . . . oh, I thought he was standing for a point of order—

*[Laughter]*

**The Speaker:** Continue on, Member. Continue on. I did not take you off your trail when I mentioned that cricket analogy, did I?

**Mr. Neville S. Tyrrell:** You made me laugh.

Mr. Speaker, as I started to say, I congratulate my Leader, and obviously his speech writers, for putting together this speech from the Throne. And I certainly say it is a vision for the future. The people gave us a mandate on the 18<sup>th</sup> of July, and so I think that this is a reflection of what it is that the people will expect us to be doing in our term.

Now, surprisingly, I have had so many comments from people who hardly ever listen to a Throne Speech, much less tell me they have read our Throne Speech, probably in some cases, twice. And they are very, very happy. That tells me we are in a new day, and I really think that people need to understand that we are here to govern. We are going to govern despite the fact my colleagues on the other side are try-

ing to teach us how to govern—geez, after four and a half years. But anyway, I believe that the people have given us a mandate and we are going to do the things that we have to do.

Now, I am going to directly go to five points in our Throne Speech itself and just briefly speak to them. You know I do not talk for long, Mr. Speaker.

*[Inaudible interjection]*

**Mr. Neville S. Tyrrell:** Thank you.

On page seven it refers . . . I will read if you do not mind, again, “To ensure that workers can live in dignity and are not working simply to remain in poverty, . . .” That is a very, very strong statement, Mr. Speaker. And I say that from my experience in canvassing, something that I have done a lot of because you will all realise that I won my election in December. So I would have been canvassing since about October last year. And I see people . . . in fact, let me then say something.

We got turned down by us using the term “Two Bermudas.” Mr. Speaker, there are the Two Bermudas. If you canvass in this country you will understand that there are Two Bermudas. Believe it or not. Whether you want to believe it or not, you can describe it how you want to describe it, but I am telling you there are some people who are working just to remain in poverty. They are hardly making it. They are hardly making it. So, I think with our attempt to present Parliament with recommendations for implementing a living wage in Bermuda, I say hallelujah to that and I look forward to us having to debate that, and I look forward to my colleague—hoping that he still has ideas in place and we can move on with that.

The next point in the Throne Speech, our Throne Speech, that I want to refer to, Mr. Speaker, is the Financial Assistance Programme. Again, I refer to the Two Bermudas. I did not realise how really bad things are. When I became an MP in December, my phone started ringing off the hook with people asking from *Please assist me*, to *How do I approach dealing with* . . . first of all dealing with financial assistance in the first place, *I need to get on financial assistance because I do not have a job. I cannot seem to have a job. I have not had a job for about four years.*

Mr. Speaker, we have some issues in this country. So, we need obviously to do something with the Financial Assistance Programme so that the most vulnerable in our society can have some reform in their life. People are crying out for it. I can give you one example, and I think I may have said this before, where I canvassed this 80-year-old lady who had two apartments, I think, in her house. Her husband died about a year ago. Then all of a sudden her tenants just one after the other left her. So, this year her income . . . lost her husband, lost the income from the tenants, and she was almost crying to me. And I really felt weak that I could not help her, there was nothing I

could do, obviously, but to help her to approach Financial Assistance. And I am so glad to say that I am happy that she was successful. She is getting a little bit, enough to at least cover some costs that she has, but at least it is a little. So there are people out there, whether you know it or not, we know it on this side. So, again, I refer to the Two Bermudas that we talk about that we really need . . . that this Government certainly will give some attention to.

Let me talk about seniors, because, obviously, most of you can see the grey that I have over here, so I need to be protective of my seniors. Persons who have worked hard all their life really need to live their final days with some dignity. And I say that, whether they go into nursing homes (if that is a term that I should be using), or whether they are at home in their own house with someone looking after them, these are the areas that we really need to be looking at. And with us saying that we are going to amend the Residential Care Homes and Nursing Homes Act, to provide standards, that is certainly something we as a caring Government must certainly look at.

If I can talk about the Project Management and Procurement area, Mr. Speaker, I think for far too long in this country, small contractors, small businessmen, have not gotten their piece of the pie. They have not. And I think it is about time that they are addressed so that, again, the Two Bermudas—you are going to be tired of hearing me saying that. This is something that I believe, and I said I believe it because I canvass it; I see it on a daily basis. So, I know we need to address whatever we can do to shrink that distance between the Two Bermudas so that we can all live in peace. I mean, do not take me wrong when I say that there are Two Bermudas, because I know there are rich and poor. I already know that, so you ain't got to tell me that. But I think that it is those people who I again described as working, but they are working to stay in poverty. We need to help—

**An Hon. Member:** The working poor.

**Mr. Neville S. Tyrrell:** —the working poor. (Thank you for that.)

I think my last point that I want to make in terms of the loan guarantees are to clubs. Again, something I was very passionate about having been a president of the Bermuda Football Association [BFA] for a number of years some time back. I know the plight of clubs. In fact, I am doing a licensing project with the BFA at this point in time where I am speaking to every club in Bermuda, every football club there is. And you should see the difference in the sustainability in some of the clubs. I mean, I have clubs who have come to me where there is one person who does *everything*. He shines the boots, he cleans the field, he gets the jerseys, he does everything—just to cut costs. He would not survive, his club would not survive if he was not there. I think we certainly need to

address those issues because I believe, as I think I heard my colleague over on the other side say in his maiden speech, that sports are going to help us in the community. It is something that I have always believed in. You get good sportsmen, you get good citizens. It is as simple as that.

So, again, this is something that a caring Government is going to take under its wing, and I look forward to supporting my colleagues in [addressing] those issues.

Mr. Speaker, I am going to, I think, end there. I told you all I would try not to be long. But I wanted to make one more point . . . and I have lost my paper on it. Here it is; I am finding it. It refers to *it would take a miracle*. I think some of us might remember someone saying that it would take a miracle. Well, it is probably going to take a miracle. It is going to take a miracle because we have some issues in this country to deal with and I hope that it does not hurt us in the way that that person said it would take a miracle. Thank you very much, Mr. Speaker.

**The Speaker:** Thank you, Mr. Tyrrell.

Does any other Member wish to speak? I recognise the Member from constituency 20, the Honourable Member, Susan Jackson. Honourable Member, you have the floor.

**Ms. Susan E. Jackson:** Thank you, Mr. Speaker.

I would like to hit straight to the punch for me. I am most passionate about the vulnerable in Bermuda. And as you may or may not be aware, there has been a team of people which has been working very hard to make sure that some of our residents in Bermuda that are at a more vulnerable state than others are well taken care of and that we do everything that we can to address their needs and provide them with the support that they may need. When I think about what those next steps will be after we provide that quality of life, it is the protection.

I noted in the Throne Speech that there was a reference to protecting the vulnerable. And it is late, so I am not going to flower my words.

It seems to me that there are just a few pieces of legislation which were not a part of the Throne Speech that I would like to have on the docket at some point this legislative year that will move the cursor closer to an environment where we can create support for our seniors, those who are living with disabilities, so that they will have an opportunity to be protected from those who may want to threaten their livelihood or their means of survival as they either age or as they live in a vulnerable state.

For the record, I am just going to list a couple of pieces of legislation. In researching and meeting with stakeholders I have found that these three pieces, in particular, if we were to address them, would begin to provide a more level framework, put a little teeth into how we might be able to protect our seniors,



in particular, and those living with disabilities: The Senior Abuse Register Act, a few amendments to that and we can strengthen our ability to protect; the Powers of Attorney Act; and the Domestic Violence (Protection Orders) Act. So these are just three that I am going to list.

I look forward to amendments being made to those pieces of legislation. With those changes we would at least be able to look at the possibility of creating a space where we could provide support services for our seniors and the vulnerable.

In the mental health arena, I certainly would like to see us continue to develop support services. I read in the newspaper just the other day that there could be much more research done in this domain. I encourage the Government to take a look at how we may be able to begin to collect data on mental health, especially on those who may be incarcerated, moved into the system, where we have an opportunity to provide assessments and ask questions and start to collect some information.

I commend our Government in our time that we able to look at the Human Rights Act and make sure that there is no longer going to be any discrimination for people who are suffering with mental illness. I wanted to make sure that this is recorded and acknowledged. It was a major milestone for our Government to come to that agreement and I want that to continue as we develop not only . . . there is right now a pilot programme in the court system that has been created to support members of our community who are suffering with mental health [issues], but also how we may be able to continue to develop in that area.

I just also want to talk a little bit about long-term care. I was a part of the Seniors Advisory Council during the last term and a lot was done with a large number of people within the community who are passionate about long-term care and how we may be able to support seniors as they age, and make sure that we are doing our best to keep them at home as long as we can. Again, I would like to acknowledge and give credit to those who have worked very hard to make sure that we were able to increase the benefits for the Standard Health Benefit and allow in-home care.

When I was out canvassing, I ran into a woman who is ageing. She wants very much to stay at home and did not realise that she could actually claim on her standard health care for this benefit at home [which she] was paying out of pocket, which, of course, was dramatically stressing her budget. For her to be able to find out that she could have this benefit, again, created and gave her an awful lot of relief at home, which is the kind of direction I would like to see us continue to move in when it comes to health care for our seniors.

I would like to end, Mr. Speaker, just talking a little bit about diabetes. A few years back there was an invitation for me to get more involved in how parliamentarians in particular can support diabetes [con-

trol] in general and what we can do to create an environment that will provide a healthier community. I am not going to go into a lot of detail now, because I look forward to the sugar tax debate, but I did want to say that there are so many people in our community that are suffering with obesity. I am not convinced that we have done enough research and data collection on diabetes, and I would like to see us continue. I would like to see the Government continue to take a very specific look at the data we can collect, the kind of awareness around diabetes and other health issues that are directly affected by diabetes, and make sure that the community is doing everything it can with open eyes and knowledge of the consequences of such a severe disease, of which so many of us in this community are living with. Diabetes is not an easy lifestyle to lead.

So I look forward, again, to debating legislation that supports our seniors, supports those in our community who are most vulnerable and are living with disabilities, and those who are not well and how we may be able to address this community that we look, as best we can, to healing and recovery. I understand and believe that there are a number of issues, a number of traumas that are affecting members of our community and these oftentimes need to be addressed either at the same time that we are looking at the physical well-being of the community, but also to make sure that the mental health and the emotional health of our community is healing and in recovery.

And with that, I will take my seat. Thank you, Mr. Speaker.

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

Does any other Member wish to speak? I recognise the Minister for Tourism, the Honourable Jamahl Simmons. Minister, you have the floor.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker, and good evening. Good evening, colleagues.

Mr. Speaker, the theme that this Government ran on in opposition was addressing bridging the gap between the Two Bermudas. While most got what we were talking about, most got that this was not a cynical attempt to divide people by race, most got this was not a cynical attempt to divide us by economics. They got it. And they said it quietly on Election Day, some, in terms of understanding that there had become a Bermuda where all of the worst elements of oppression and elitism and nepotism had been allowed to flourish; a Bermuda where who you know became even more important than what you know.

Mr. Speaker, the Two Bermudas idea speaks to race, and it speaks to the diminished opportunities for people of African descent in this country as you look across our boardrooms, and you look across the ownership of our businesses, and you look across what are the models of so-called success. Mr. Speaker, the country is not content to point to one or two

individuals and say, *They have made it and so everything is fixed*. So race is a part; but there is also the economic part of people who have done everything they can to participate in our country but are still being left behind. They cannot feed their families. They cannot pay their bills. They cannot make ends meet. They cannot see a future for themselves on these shores.

So, Mr. Speaker, when I look upon the task ahead of us, it is summed up. Two Bermudas is what we are trying to address. But the real mission is to empower our people, all our people, to participate in the full range of opportunities in our economy. That has not happened. And, Mr. Speaker, one thing that I am very pleased to say as the Minister responsible for Economic Development, is that you have a Minister who does not have personal business interests to protect. You do not have a Minister who has shares in companies to protect. So, Mr. Speaker, when decisions hit my desk, it is not going to be about me. It is going to be about Bermuda, Mr. Deputy Speaker.

[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]

**Hon. Jamahl S. Simmons:** For the past few years, there are important lessons to be learned about what happened in this country—important lessons to be learned.

Mr. [Deputy] Speaker, you have seen the opportunity given [to] this Government by the people. And I have heard a recurring theme from so many people, all races, all ages, *You are young, you are educated, and we know you can do this*. Mr. [Deputy] Speaker, we represent the children and grandchildren who our parents sacrificed for, and our grandparents sacrificed for, to educate and send to school, and we recognise first-hand the underutilisation of the intellect and talent that exists across our country. We recognise it because we have lived it. We have seen it.

We are the generation that had to train non-Bermudians to be our bosses and had to go to work and not be threatening or intimidating, or make people [who were] less qualified, less educated and less talented than you, feel threatened. So we get that. Our approach, particularly in the last few years has cast aside too much of our talent. We have told too many of our young people, *If you do not fit the pink Bermuda shorts, boat shoes, blue blazer mind-set, attitude . . . look, you are of no value*. That ended at with the result of the last election. That ended.

We have an opportunity to empower our people to participate in our economy. We will make no apologies for that because there is too much talent in this country for us to put aside because we do not agree with them, or we do not like them, or we do not like the way they look. That is not going to be an issue. We will level the playing field. And it is critical; it is the most important issue of our day. It is interesting in this role, as you meet for the first time, build rela-

tionships for the first time, extend and renew relationships with members of the business community because some get it. They understand that Bermuda's prosperity can no longer be linked to just one ever-shrinking group holding larger and larger pieces of the pie. They are starting to get it. And they are coming together and recognising that they can be a part and should be a part of bringing our country together and moving our people ahead.

They are getting it.

Mr. [Deputy] Speaker, this is why it is unfortunate that the document that was read this morning does not reflect the conciliatory mood, the welcoming mood, the collaborative mood that is going through our country.

Mr. [Deputy] Speaker, the parliamentary system that we operate in, when it was first established hundreds of years ago, it was okay to say, *We are going to send you byes off there, you know it all, you can handle it, and come back in five years and I will just vote for you again*. We have so much talent, with access to so much knowledge and so much information. We have seniors whose talents were not used who have so much knowledge that we can tap into. A 21<sup>st</sup> century government must be collaborative. It must include the intellect and brilliance of all ages and all Bermudians, because there is no such thing as a person who does not matter. We get that.

So, when we look at things like Bermuda First, we look at pulling our best minds together. The full, rich tapestry beyond the business community, including our labour partners, including our young, including the talent that reaches the entire spectrum of our country and putting our heads around how we can develop our economy and grow it. That is the path forward.

I am pleased to confirm what my Shadow Minister has said, that in Tourism and Business Development we will attempt to be collaborative. And we think it is important because I strongly believe that we have an opportunity to share our views, get our input, bring it back and let's work on something together that will be of value. I think that is a better way forward. We have been doing it for many years in international business; we have not done it in many other areas. I think that the more collaborative we will be, I suspect the less acrimony there will be.

I am hopeful; perhaps I am naïve. But again, the document that was read this morning concerns me. Not because just of the lack of understanding of what happened—not just on July 18<sup>th</sup>, but over the past five years. There has been a repudiation of the status quo. There has been a repudiation of business as usual. There has been a repudiation of father-knows-best government. It has been repudiated, cast aside. And so we must be governed by a different set of principles.

I do not intend to come to this House and compare ourselves to the failed One Bermuda Alli-

ance. They are nobody to be equal to. They set no standard for us. We have a higher standard. A standard of humility that we must adhere to, staying close to the people because the people . . . it is an old saying. I wish I could remember who said it. *I must follow the people because I am their leader.* We must have humility. We must have compassion. We must look at our brothers and sisters who are suffering and instead of using words of contempt and blame and disregard, we must seek to elevate their condition. That is what we have to be about.

We must be honest. Mr. [Deputy] Speaker, we must be honest. The reputation of politicians is never good anywhere in the world. But the past several years have seen the reputation diminished even further because you had the hopes of the people, some who embraced it and decided to vote for a change with the One Bermuda Alliance and thought it would be a new way of doing politics, not knowing they would go back to 1980, 1983, 1985. They did not know they were going back to the future. And so you have seen some faith, some trust, some hope dashed.

And the mood, the spirit that we are seeing in the business community, the spirit of a growing desire to collaborate and be a part of the progress . . . you are seeing it in the community. You see it in people's spirits. There are people who were unemployed on July 17<sup>th</sup>, and are unemployed today, but they have hope because they know they have a government that actually gives a darn about them. They know that they have a government that has walked where they walked. They have a government that has been mocked because we are not as rich as some people, been mocked because we do not the directorships that some have, and the shares and the interest that they have. But that is okay. It gives us phenomenal freedom to do what is right for all and not just a few.

Mr. [Deputy] Speaker, it is clear that in tourism the full range of talent and ability in our country has not been utilised. You see it in the makeup of the organisations that are entrusted to deliver more bodies to our shores. In the past year I have been pleased to see the BTA [Bermuda Tourism Authority] taking the approach of going for a younger audience. That is in line with where we want to go, because we understand something that many do not: That the face of wealth is changing. It is becoming younger. It is becoming browner. It is becoming more interested in experiences than in peace and quiet. And so we are very pleased to work with the community and work with the industry stakeholders to look at our nightlife and look at the things that we have in our country that are holding us back from becoming all we can be, that are stifling opportunities for our entertainers and stifling opportunities for our nightclubs and our restaurants to grow and develop.

So, we will study. The Opposition seems to have a problem with studying, analysing, and researching. But you know what? I do not have a prob-

lem with it because we know we must include as many as possible going forward. The days of *daddy knows best* ended on July 18<sup>th</sup>. You have a people's government.—

*[Inaudible interjection]*

**Hon. Jamahl S. Simmons:** You have a people's government.

Mr. [Deputy] Speaker, a passion for me in my entire political career is economic empowerment, the empowering of our young black males and females to get a piece of this rock and call it their own. The capacity to be able to build wealth for themselves and to employ others has been a passion of mine. We envision a revitalised, rejuvenated, and reformed Bermuda Economic Development Corporation that will be capable of providing red carpet service to Bermudians, just like we attempt to give red carpet service to everyone else. So that person who is made redundant and has that money in their pocket, has a dream, and an idea. We can help them facilitate that moving forward.

Mr. [Deputy] Speaker, I heard a story during the election that broke my heart. It was a young man who had an interest in doing a business, and he spent six months bouncing from department to department to department until finally he was told, *Oh, you can't do this business because the product you are doing is illegal.* Six months. That is not moving at the speed of business. If that young man had been able to go to a one-stop shop, and get the treatment that he deserved, the information he deserved, the help . . . because many of our black entrepreneurs, and would-like-to-be entrepreneurs, may have a product, they may have a talent, they may have a trade, but they do not have the capacity to start a business. They do not have the knowledge. And it is not spoon-feeding to help your brothers and your sisters to help themselves. And so we must provide that concierge service that will help to guide people to getting up and running faster.

I cannot promise success. All I can promise is that you will have an opportunity and we will not be in your way as a government. We will not be the ones putting roadblocks in your way. We will not be the ones saying, *Well, wait, you might be competing with my ace boys, so I got to try and slow you down.* That is not happening over here, Mr. [Deputy] Speaker. No, no, no!

We exist in an economy where you have seen tourism jobs growing for everybody except Bermudians. That must change. It is our intention, as listed in our Throne Speech, to do island-wide, industry-wide skills and needs assessment to identify the needs of our stakeholders and to prepare our people, working in partnership with the Bermuda Hospitality Institute and Workforce Development, to get our people in, up, and running this tourism industry as we should.

It is unacceptable, Mr. [Deputy] Speaker, that I can travel to countries that have a lower base level education than we do and they are somehow capable of filling all of their businesses, from top to bottom, with their own people. It is unacceptable. It is unacceptable to come as a tourist to this country and get mediocre service from a person who is here on a work permit. The best of the best is what we were told. We were told that if they are here it is because they are the best and no Bermudian could do it, or no Bermudian wants to do it. But look at the service level around our country. You cannot blame Bermudians too much anymore, you know. You cannot because most of us have been chased out.

We have to ensure that we address these issues. We have to, because when the tourism industry works properly—when there is no prejudice, when there is no discrimination, when there is no favouritism—you can work your way up. And I have seen it here for some Bermudians. I have seen it here for a lot of non-Bermudians, where this has become the land of opportunity. You can come here, barely can read, cannot talk, cannot even tie your shoes, but somehow you are more qualified than the man down the street who has been here all his life. We have to address that. We have to address that!

What is part of expanding our tourism is allowing and examining how we can get our people involved. The Tourism Plan that the Bermuda Progressive Labour Party produced back in 2011 spoke of hubs, developing hubs throughout our Island. And one of the things that must be a critical part of our economic development as a country is getting economic growth throughout the country. We have to move away from it being centralised in Hamilton. When we look at the hubs, there is a tremendous opportunity to identify the needs for those communities beyond tourism entertainment. What are the economic needs of those communities? What businesses should we be trying to attract and incentives created to get them in these places? We have to spur entrepreneurship, removing the obstacles, removing the impediments. We look forward to working with others. We look forward to researching with others. We look forward to finding the best path forward so that those who have a dream have a chance.

Mr. [Deputy] Speaker, this country is littered with the lives of Bermudians who did not have a chance. That must change.

Mr. Deputy Speaker, Bermuda First, I think I spoke on it earlier. We need to talk about . . . I talked about immigration reform. (Mr. Deputy Speaker, how much time do I have?)

*[Inaudible interjections]*

**Hon. Jamahl S. Simmons:** Okay. Mr. Deputy Speaker, the Event Authority . . . well, actually, I won't speak on it. Let me go to another topic before I go to that.

Someone pointed out to me a very long and meandering piece in a paper, which I do not read, where it was said that the Economic Diversification Unit is not needed because the BDA [Business Development Agency] is doing it. Well, with all of the diversification up and down this country I guess it is clear, it is not needed. And if you did not get that, Mr. [Deputy] Speaker, I am being sarcastic.

We must diversify our economy. It must be more than things we allow in that we can funnel to this person, funnel to that business, funnel to that bank. It must be more than that. It must be more than that! We must be prepared to recognise that there are opportunities in this world and we must empower our people to go for them no matter where they are, no matter the colour of the person who is capable of bringing it. That is what we are talking about. When it is your job to grow and develop these things and empower people to do it, we are talking about expanding what the BDA does now, growing with them. They do many things well, but we are looking for more because Bermuda deserves more. The lack of diversification in our economy speaks to the need for more.

So, we turn now to the transformation of the America's Cup ACBDA into an Event Authority. Mr. Deputy Speaker, as a person with the tourism background that I possess, I am very rarely satisfied with the events that come to our country. Not because I have any particular dislike of the nature of them, or I do not care for . . . whatever. I like results. I like results. I like knowing that an event is growing every year because it is attracting more people, not shrinking every year because the people that it is attracting are dying off.

I like events that enhance our brand. It brings in a younger, more diverse, more cosmopolitan audience. It extends us to be more than pink sand and pink shorts. But it also must be something that spreads the economic impact beyond those who already have. And whether you like the America's Cup or not, whether you think it was a success or not, its greatest failure, its greatest failure was that it was sold as a panacea to everybody and when people went looking for opportunities, they found many were gone before they even had a chance to get in the door. There are people who had micro loans who are now struggling to pay them back because the promise was not kept. You have people who went out and did all sorts of things in hope . . . and you know, no government can guarantee success. But a promise was made and a promise was not kept.

We need to draw events of cultural impact, economic impact, and global impact that now create an atmosphere around Bermuda that people say there is more than pink sand and pink beaches, there is more than reinsurance; there is more than someplace my great-grandma used to go to years ago, because we are capable of more. The level that we need to go to is not about being the North Carolina of the Atlantic,

as some people like to say, or South Carolina. It is not about being the Martha's Vineyard of the Atlantic, as some people like to say. We are so much more than that.

So, Mr. Deputy Speaker, we are committed to doing things differently and to making positive change that impacts on all. I have had so many people stop me and say, *You guys, don't make the mistakes you made last time.* And I understand that, I understand that because mistakes were made. The only person who has not made mistakes in this world, they put him on a tree and put some nails in him. So, mistakes are going to happen. But, Mr. Deputy Speaker, this is a different team, and as so many people say, *I like the talent that you have brought in. I like that you have people of experience who have been there, who can mentor and guide and train and take these young, educated, talented Bermudians and take this country to another level.*

Mr. [Deputy] Speaker, this Government as it is composed right now is the manifestation of the dreams and aspirations of our forefathers. This is what they sought—a government that represents them, a government that thinks about them, a government that cares about them, a government that is them.

Thank you, Mr. [Deputy] Speaker.

**The Deputy Speaker:** Thank you, the Minister for Economic Development and Tourism from constituency 33.

Any further speakers?

The Chair recognises the Member from constituency 22.

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

Mr. Deputy Speaker, I would like to start . . . I do not usually do this, but I would like to start by commending the Opposition Leader for a Reply to the Throne Speech which I thought was very solid. And that may sound like feigned praise, but I think that we on this side of the House understand that basically at this point after an election the public is probably not terribly interested in hearing what we have to say. They are probably more interested, and rightly so, in hearing what the Government has to say. But I thought that the Reply was certainly excellent in terms of pointing out some of the issues that the current Government, the new Government, is going to have to contend with. And also laying down some markers which I think are going to be very important as we see the new Government perform, or not perform, over the next few years.

I think the thing that struck me about the Throne Speech particularly was the number of promises to study, to create committees, and to look at things. But these are not solutions, and simply studying or looking at things, I think as all governments

have found out, may be a way to sort of fulfil promises because you can always say you set up a committee to do it, but on their own they do not necessarily deliver what the people really need.

As the Honourable Member from constituency 2, Kim Swan, said, *it is a time for solutions.* And I have say that I did not see, frankly, a lot of them in this particular Throne Speech. I think people will feel that I am just being political. But the fact of the matter is that I have probably now over 23-odd years seen a lot of Throne Speeches, have been involved in writing some of them, I certainly have written enough Replies [to the Throne Speech] in my time. But I think for a new government, I found this one to be fairly short, basically, on solutions. As the Honourable Member, my colleague, Patricia Gordon-Pamplin said, "the Throne Speech, delivered last Friday . . . was short on real solutions and long on studies." I think that nails it fairly well.

I was very interested to see the reincarnation of the Bermuda First Think Tank. I will certainly say that I agree that consultation is really important, getting people who are involved and central to industries involved in the room is very important as well. But setting up a committee and setting up Bermuda First again, will not necessarily deliver real solutions.

I say that because my memory of it was a little bit closer to my honourable colleague's, Cole Simons, memory of it as opposed to the Honourable Member from St. George's [West] who was when he was Opposition Leader for the UBP actually participated in the Bermuda First Think Tank. I think the Bermuda First Think Tank (and we will see) certainly produced some interesting suggestions, but I do not believe it accomplished very much in the end, through no fault of the contributors, Mr. Deputy Speaker.

The problem was that a lot of the recommendations at the time, and I think—if I remember correctly, the Honourable Member from St. George's [West] said it was around 2008—a lot of the recommendations at the time effectively were suggestions as to what the Government at the time, which was the Progressive Labour Party, should or should not do. I remember distinctly that there was certainly division in the PLP Government at that time. The then-Premier, Dr. Brown, who had (I think) constituted the Bermuda First, found that his Finance Minister was not terribly excited at all about the prospect of international business, particularly, telling her what she should have to do. So, the Finance Minister at the time actually refused to attend a number of the meetings and I think while, as I said, there were some good suggestions, and I think it was an interesting exercise, actually, in the end, it did not do very much to move things ahead.

And what do I mean by that? The fact of the matter was that from then on the country went into a progressive death spiral from an economic prospective. And it was, in the end, a real mess that the incoming OBA Government had to deal with.

I noticed on page 1 of the Throne Speech, there was a comment that “When there have been economic downturns, one segment of Bermuda suffers far more than the other . . .” And I would agree with that. I think basically it is the middle class and certainly those in the lower economic echelons that suffer the most during recessions or downturns. I hope that the current new Progressive Labour Party Government recognises that they are inheriting a dramatically stronger economic set of circumstances that they have now inherited in 2017 compared to the mess that they left the OBA Government with in 2012.

The Honourable Member who just took his seat talked about learning lessons. And I do hope that some of the lessons that were learned from poor policies and essentially things that were done in the 2009 to 2012 period have been learned by those Members on that side of the House. And there are a number of them who certainly were there in the previous Progressive Labour Party Government because during that period, as Honourable Members will know, almost 5,000 jobs were actually lost. And a lot of those lost jobs were Bermudian jobs and created a lot of economic hardship and difficulty. In fact, some of those job holders, or those who lost jobs, probably (and I am sure they are incredibly frustrated) are still not working today. So, I think it is fair to say that the OBA Government created a lot of confidence and brought Bermuda back from the economic brink.

On the same page, there is an interesting comment about the study from 2016, which said that Bermuda was the “most expensive country in which to live.” I am not sure that this particular study had a lot of substance behind it. It made for good headlines, but I think it is fair to say that Bermuda is an expensive country. Whether it is the most expensive country in the world is probably a debateable proposition. But that cost of living, that expense to live and do business here, certainly did not develop overnight. I think it would be fair to say that I do not remember—well, it would be fair to say that *I do not remember*—but I do not think that the former Progressive Labour Party Government did much to contain the cost of living while they were in power. Certainly, the cost of medical care and other things went up dramatically over that particular period.

I think it is important also, in terms of lessons, to remind the new Government that under the former Progressive Labour Party Government’s watch, from 2000 to 2012, some 3,700 Bermudian jobs were lost. It was an almost unblemished record of failure in terms of creating opportunity for Bermudians. So I hope that Honourable Members will recognise this. I know the Throne Speech points out that jobs continued to be lost after 2012, and that is a fair statement. But I think if you were to look objectively at the data you would find that while the job loss continued, it abated fairly substantially in the last few years. In fact, jobs started to grow last year.

*[Inaudible interjections]*

**Hon. Dr. E. Grant Gibbons:** Well, you look at the stats. People are saying it is not so. But if you look at the stats there was an increase—

*[Inaudible interjections]*

**Hon. Dr. E. Grant Gibbons:** —and I am talking about overall jobs, not just Bermuda jobs. Certainly the loss of Bermuda jobs, or Bermudians holding jobs, going into unemployment, abated substantially.

I think it is fair to say that the One Bermuda Alliance Government took a very balanced approach to fixing the economy, first of all to contain the cost of government, and to control government spending. And yet I think we certainly should be congratulated for avoiding, as the Throne Speech Reply says, some of the massive layoffs that occurred in other countries which were facing the same kinds of problems.

I was disappointed to read this sort of accusation that the One Bermuda Alliance Government believed in trickle-down theory. Nothing could be farther from the truth. I took this as simply the Progressive Labour Party pandering to their base in a very cynical sort of way. It is fair to say that the OBA certainly did not believe and did not work on the economic trickle-down theory. The OBA Government focused on what was really important at that time because of the horrible economic situation, and that was getting foreign investment to stimulate job growth, to create diversification, to revitalise tourism, construction, and business opportunities across a range of sectors in the economy. And it was not an easy job. To quote the Honourable Member who just took his seat, *It was certainly not business as usual.*

I think this whole issue of trickle-down is certainly very wrong-headed. In fact, the way it is supplied now in the United States is sort of in a Trump-like fashion. And that is, the theory being that if you cut taxes to the rich, that somehow that mysteriously will make its way down to the lower economic echelons. I think if you look at the record, Mr. Deputy Speaker, you will find that the OBA Government actually increased taxes, payroll taxes specifically, on those of higher economic incomes and reduced taxes to the lower economic groups. And, certainly, that is not a trickle-down theory, in any way of speaking. In fact, I think when you look at the amount of financial assistance that has been provided over the last few years . . . and most of those on financial assistance (contrary to popular belief) are actually seniors and those who really are having a difficult time dealing with that life. But the fact is it was well over \$50 million. And I remember the days when it was around \$10 million to \$11 million.

So, I think there are some other interesting comments in the Throne Speech, as well. The one that says “Government will ensure that Bermuda’s

success in attracting the most innovative companies from around the globe to Bermuda is increased and that the quality of life for Bermudians is also enhanced by the presence of those companies.” I think in some respects, and I do not think we always recognise this, we are actually rather fortunate in terms of the companies that we have actually managed to attract. While they are primarily in the financial services sector, they do a remarkable job (from my perspective) of employing Bermudians. As I think Honourable Members will know, the ratio is two Bermudians for every one non-Bermudian.

I think the innovation continues in this area. When you look at a particular sector like the ILS, or Insurance Linked Securities, that business is the envy of the world right now. And that grew dramatically from 2013 onward to the present day. So, I think it is fair to say that in many respects, and I hope the Government appreciates this, Bermuda probably needs these companies more than they need Bermuda in a lot of ways, because there are a lot of choices out there these days. And I think it is going to be important to make sure their confidence in a stable Bermuda and a stable government continues for all of our sakes.

I also was interested in the Economic Diversification Unit concept, which was referred to as a small number of persons with a proven history of developing economies. The Honourable Member who just took his seat sort of talked about some of the aspirations that he had for this particular group. Obviously, we will wait to see how that pans out. It will be interesting to see whether that means foreign experts or whether that is done locally. Having participated in a number of these over the years, and I think the first one I recall was back as far as 1992, when the Premier of the day, Sir John Swan, created the committee on competitiveness, which was a way of essentially looking at diversification. I have to say, while there was some interesting ideas that came out of it, it is a lot harder than people think to create diversification and to create diversification, not in a sort of dabbling sort of a way, but in a way that actually has economic impact which is significant.

I was also interested to see, and I think this was on page 4, as well, of the Throne Speech, where the Government essentially stated that “International events in Bermuda must deliver more than exposure to our island’s beauty; they must deliver jobs and commercial opportunities for Bermudians, as well as a memorable experience for our visitors that will encourage them to return.” And I could not think of a better way to describe the contribution of the America’s Cup. And I will not go through all of the points that are listed, and I think rather well, in the Throne Speech Reply, but it is fairly clear that as an event the America’s Cup was remarkably successful both in terms of job creation and in terms of creating business opportunities across a range of different sector.

I think as the Reply notes, there were over 80, mostly small businesses and construction firms that were involved in setting up team bases and related projects that got work as a consequence of it. It also accelerated a concept that the former Progressive Labour Party Government had talked about and made provision for. I think, Mr. Deputy Speaker, you were involved in this, setting up the whole concept of Cross Island, the reclamation of land up there. I think it is fair to say that it accelerated that project and has given Bermuda and certainly the current Government an interesting platform from which to stage future events. Not to mention the credibility that we received internationally as a consequence of the professionalism from the ACBDA, Government departments, security services, and the many, almost 1,000, volunteers that were involved in actually carrying out the event, the almost flawless execution of the event, itself.

But I think it would be fair to say that the Honourable Member who just took his seat, Mr. Simmons, was quite wrong in saying that the ACBDA was sold as a panacea for everyone. It certainly was not. As the Minister responsible, I can say that I often referred to it as a catalyst. A catalyst is not a solution for everything; it is not a panacea. It gets things moving. I think it would be fair to say also that the OBA Government saw the America’s Cup, in pure terms, as an economic stimulus, something that would provide . . . afford inward investment to Bermuda. Certainly the sponsorships were all paid in Bermudian dollars and were spent here, but it had a much broader effect than simply the event itself.

I think it would be fair also to say that it was in many respects a catalyst, it was very helpful in getting some of the hotel infrastructure projects that the former Government was quite successful in getting started, whether it was the Loren at Pink Beach, the additional investment by the Princess group, by the Desarrollos group, certainly by Morgan’s Point, Caroline Bay, and some of the others that got started because they saw, I think, hope in a rejuvenated tourism sector as a consequence of the America’s Cup. And it certainly facilitated broader investment and helped to restore a lot of confidence.

I think it is also interesting when you look at the number of new incorporations of companies over that particular period of time. And I am not talking about international business because that has sort of been up and down. I am talking about local companies. When you look at the record from about 2013 on, you will see that new local business incorporations grew in many respects by 15 [per cent] to 20 per cent a year over that period, which is quite a significant growth. I think some of that was certainly as a consequence of the America’s Cup.

The tourism impact, which has not really been talked about at all, was also rather dramatic. The BTA [Bermuda Tourism Authority] provided numbers going back a month or two, and I think what we can see

from that was air arrivals for the first six months were up in double digits, some 16 per cent. And spending in the first six months was up by an extraordinary 31 per cent, almost \$40 million in additional spending on top of the \$135 million spent in the prior first half of the year. So, \$40 million of additional spending injected into the hospitality sector is certainly significant.

I think the other thing which was sort of interesting in the Throne Speech was also this comment that the Government is interested in terms of transforming the ACBDA into the Bermuda Event Authority looking for events “that attract younger, more cosmopolitan and more diverse visitors to our shores.” I think the BTA made it very clear that, and I think the number was 83 per cent of the increase in visitors coming from other jurisdictions and the 78 per cent growth of the increase in visitors was actually visitors under the age of 45. So the America’s Cup did I think a rather remarkable job of providing new, exciting and a very different positioning for Bermuda, which certainly helped the BTA to do the job they did.

Superyachts have come up quite a bit. I know the BTA are very keen on basically taking advantage of that opportunity. There were more than 90 superyachts that came here, many for the first time. And importantly, many came with owners, unlike the fuelling stops that we have seen in superyachts coming before. So, I guess I would certainly urge the current Government to work with the BTA to put in place a foundation that is going to allow the kind of chartering and cruising that a lot of other jurisdictions have benefited from. And they can do that because that work on legislation had already been started and I hope that the current Government will continue that and take part of that opportunity going forward.

I happen to agree with the concept of creating a Bermuda Event Authority. I think certainly as we looked at the ACBDA and we looked at the extraordinary experience and what they were able to accomplish with the Ministry of Economic Development, I think it is important to take that experience and actually convert it into something that can be used going forward for other events. I know there will be an interesting question because the BTA is quite keen on taking on the World Triathlon, the WTS, the World Series Events 2018, 2019, and 2020. So, hopefully, something can be worked out there because one of the reasons we have this World Triathlon is because of the credibility we had as a consequence of hosting the America’s Cup.

Mr. Deputy Speaker, how much time do I have left at this point?

*[Crosstalk]*

**Hon. Dr. E. Grant Gibbons:** Sorry?

**The Deputy Speaker:** Eight minutes.

**Hon. Dr. E. Grant Gibbons:** Eight minutes. Thank you.

Now, on page 8 of the Throne Speech, there was another interesting proposal and that was “a Request for Information to establish a Technology Hub at Southside.” An incubator of sorts, if I understand it. The idea was to transform Southside into a technology-based community with living facilities.

Now, Mr. Deputy Speaker, you have been around a long time, as well as I have, and you will remember that . . . in a funny way, it is sort of ironic, that this is not a new concept. In fact, if you go back to the late 1990s, the BLDC at that time, with a former, former, former government, had actually zoned some 30 acres at Southside as a business technology park. Sadly, that never really got anywhere, but I think it will be interesting to see whether a technology hub is something that can be provided there. There have been technology hubs, there have been incubators in Bermuda before, and in fact, I think Coral Wells is managing one at the present time, so I hope that the current Government has a look at some of the stuff that she is doing, which I think she has been quite successful at in terms of helping young entrepreneurs move some of their projects along.

Cybersecurity is mentioned in the Throne Speech, and while it tends to be sort of the flavour of the month right now, I think it is a very important area. I think [it is] a sector where reputations are won and lost. I think you only need to read the news recently with the debacle of Equifax to learn that you can be quite credible one day and then you can have a huge break-in and find out that your credibility, as it were, shot to hell.

I think the former OBA Government made some good progress at looking at the preparedness of the Government in terms of cybersecurity. There was a Cabinet committee that was set up, and it was going, running for a couple of years there, particularly looking at the NIST [National Institute of Standards and Technology] framework that the Government set up. In fact, I believe there is going to be a discussion/seminar over the next week, which will involve, at the former Government’s invitation, a couple of people coming in from the National Institute of Standards and Technology to talk about the NIST framework.

This is also very important, and this work had started, as well, in terms of what we refer to as “critical national infrastructure.” Because, certainly, when you have a national grid, when you have a hospital, when you have security services, when you have telecoms, all of those in this day and age are susceptible to hacking and cyber instances of some sort. And I think it is really important that work continue on the national strategy to do this. So I am pleased that the Government has at least mentioned that they wish to proceed on this basis.

I am going to end, Mr. Deputy Speaker, on the issue of energy costs. This is clearly an issue for eve-



rybody, whether you are a homeowner, whether you are a small business or a large business. I think the Government says our energy costs are the highest in the world; I am not sure that is entirely accurate. But we all know that our energy costs are certainly very high, and they do impede growth and economic advancement. The Government has a good platform to proceed on, with not only the Electricity Act, but also we have what I think is a very interesting use of opportunity in terms of a project which went out to tender some time ago. A technical committee reviewed the bids on it. And I am referring, essentially, to the use of the Finger to set up what is seen as a 6 megawatt-peak provider, a photovoltaic facility, which will provide some 6 per cent of Bermuda's peak demand.

And as I understand it—I was not involved in the selection; it was a technical committee of civil servants—the bid was extremely attractive in terms of the price per kilowatt hour. And hopefully, not only will this provide some cleaner energy for us (assuming the project proceeds), but will also help to lower the overall cost of electricity to ratepayers.

There is a fuels policy, which was, essentially, produced. And I think there certainly was a lot of discussion around the use of alternative fuels to the very expensive diesel and heavy fuel oil. Energy provided by LNG [liquefied natural gas] is certainly a possibility there. But we recognised, as the former Government, that we needed to set in place an appropriate regulatory structure for a new fuel of that sort, which has some of its own challenges apart from the fact that, obviously, it is less expensive and a lot cleaner as a fuel.

In closing, Mr. Deputy Speaker, I was a little disappointed not to hear anything about the further implementation of the Personal Information Protection Act [PIPA] legislation. That is an important issue for Bermuda because it will help to protect people's personal information, whether it be health records, whether it be business records, whether it be any sorts of records—that those who have records and maintain them as businesses or otherwise will have to put in place certain protections and provisions, not only against cyber assaults, but certainly in terms of how that information is handled.

There was also nothing about the . . . so, in terms of the PIPA [Personal Information Protection Act] thing, I think the next step, as I recall it was being worked on with the Governor, is to put in place a commissioner of personal . . . a sort of privacy commissioner for the personal information protection.

The other thing that I think was certainly underway, which I would encourage the Government to proceed with, was what we referred to as the second part of telecommunications reform. And that was looking at the whole issue of broadcasting and how we could do a better job to, essentially, take very old legislation and regulations, which create a lot of discrep-

ancies between cable provision of service and over-the-air broadcasts.

So, Mr. Deputy Speaker, I am going to finish on that basis and simply say that I appreciate the opportunity to contribute to this. And I think certainly those of us on this side of the House will agree when we think it is appropriate, and we will certainly do our best to hold the Government to account, as I think the public would expect us to do.

Thank you, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you, the Honourable Shadow Minister of Economic Development, from constituency 22.

Any further speakers? We recognise the Member from constituency 29, the Minister for Financial Assistance [*sic*] and Sports.

**Hon. Zane J. S. De Silva:** Thank you, Deputy Speaker. Minister of Social Development and Sports.

Mr. Deputy Speaker, there is an old adage that says, *If you drop your books, you lose your lessons.*

*[Inaudible interjections and laughter]*

**Hon. Zane J. S. De Silva:** Now, why do I say that, Mr. Deputy Speaker? You know why I say that, Mr. Deputy Speaker? Because the OBA have not learned their lesson! So they have very clearly lost their books, Mr. Deputy Speaker. What part of 60 per cent of the electorate of this country do they not understand? Mr. Deputy Speaker, I have to say I think I—not only I, but maybe this country—have seen the most atrocious, poor Throne Speech Reply by the UBP/OBA that we have ever witnessed.

**An Hon. Member:** Ever.

**Hon. Zane J. S. De Silva:** Mr. Deputy Speaker, oh, is it shameful. You know, Mr. Deputy Speaker, there was a time when if a Throne Speech or a Throne Speech Reply had contained some of the things in this Throne Speech Reply by the Opposition Leader, Mrs. Pat Gordon-Pamplin . . . I have to say I wonder if it would have been allowed at all. The falsehoods . . . and I am not going to use the “L” word, but the falsehoods in this document, which I will speak to, Mr. Deputy Speaker, it is just “unbelievable” (to use a word).

Mr. Deputy Speaker, why do I say *falsehoods*? On page 2 of the Opposition's Reply, and I quote, “We saw the misinformation machine in full view when the stories grew like fish tales to cause the airport project to be depicted as some kind of sinister arrangement.” Why is that a falsehood? Well, we have certainly seen that movie now, have we not, Mr. Deputy Speaker? From pepper spray to all sorts of things down at that airport, Mr. Deputy Speaker, “de-

picted as some kind of sinister arrangement”—an arrangement that will put our people with no control over that airport, unless we change it, for 30 years.

Mr. Deputy Speaker, the following paragraph gave me cause for concern. And when I talk about falsehood, and I quote, “We heard the challenge to the Desarrollos group and the untruth that they would take the beach away from St. Georgians.” Well, if it were not for our colleague, MP Renee Ming, and others, Mr. Deputy Speaker, I believe that that beach would have been taken away. But, thanks to her . . .

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

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

*[Misleading]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member is misleading the House. The plans for the Desarrollos development are now as they were then, and there has never been any indication that they would take the beach away. They have always said that they would have access. And, Mr. Deputy Speaker, if I may, there is no difference between the access that is now allowed than that which was allowed by the Park Hyatt.

**Mrs. Renee Ming:** Point of order, Mr. Deputy Speaker.

**The Deputy Speaker:** Yes, ma’am.

**Mrs. Renee Ming:** I just want to say that—

**The Deputy Speaker:** Let me recognise you.

**Mrs. Renee Ming:** —the Act of 2015—

**The Deputy Speaker:** Hang on. Hang on. The point of order has been put to us by the Honourable Member from constituency 1.

#### POINT OF ORDER

**Mrs. Renee Ming:** Thank you, Mr. Deputy Speaker.

I just want to say that the St. George’s Resort Act of 2015 actually says that we will have reasonable access, *reasonable access*.

*[Inaudible interjections]*

**The Deputy Speaker:** Carry on, Minister.

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

And you know what, Mr. Deputy Speaker? Sometimes, *reasonable access* might be via a helicopter, too. So, Mr. Deputy Speaker, let us be clear. One thing we know is that beach will [be accessible] now, thanks to MP Renee Ming.

Mr. Deputy Speaker, when we talk about Desarrollos Group, I cannot help but think about the gaming fees for the Desarrollos Group. And let me remind this House and the people of Bermuda that that particular group . . . I had the luxury of meeting with them, Mr. Deputy Speaker. And they told me straight-up, *There won’t be one shovel going in that ground unless they change those gaming fees, unless they take them away and make it good. It won’t happen.* Of course, I was wearing a different hat, Mr. Deputy Speaker, and I declare my interest because they were talking to me about some work down there.

And the reason I have to mention this, because again I am talking about falsehoods and untruths . . . because you might recall, Mr. Deputy Speaker, that during a session not long before we retired before the election, I stated in this House, and I challenged the then-Minister, Dr. Gibbons, to bring to this House the real truth with regard to Desarrollos. And, lo and behold, the next week, what happened, Mr. Deputy Speaker? We had concessions brought to this House by the Honourable Member, Dr. Gibbons, for the Desarrollos Group. And guess what they added up to? Almost the entire gaming fee—almost the entire gaming fee, Mr. Deputy Speaker. So, there is another one.

Now, Mr. Deputy Speaker, page 3 of the Throne Speech Reply. I was going to leave this, Mr. Deputy Speaker, because it was low—and I say as low as you can go—when the Honourable Opposition Leader speaks to “politics make strange bedfellows. We will watch closely the developments of the questionable New York trip that was planned by an unlikely quartet with”—and this is the kicker, Mr. Deputy Speaker; wait for it—“would be gaming operators to determine the purpose of their meeting at the Four Seasons, and the benefit to Bermuda, if any.”

Mr. Deputy Speaker! The Honourable Opposition Leader has quoted something that was on (what do you call it?) the *social media*, Mr. Deputy Speaker. Or did she get it from maybe a friend in the police force, maybe, or somebody who had access to Mr. Shawn Crockwell’s phone, Mr. Deputy Speaker? So where did the Opposition Leader—and I will yield—get this information from? Would she like to do a point of order or a point of information?

*[Inaudible interjection]*

**Hon. Zane J. S. De Silva:** Oh! So it is no point of order. It is no point of information, Mr. Deputy Speaker. But it is in, believe it or not, the legislature of Bermuda! And words from the Opposition Leader in the Throne Speech Reply, Mr. Deputy Speaker!

**An Hon. Member:** It is abominable.

*[Crosstalk]*

**Hon. Zane J. S. De Silva:** And the Honourable Member says, *That hurts*. Oh, my dear.

*[Gavel]*

**Hon. Zane J. S. De Silva:** It does hurt, Mr. Deputy Speaker, because the Opposition Leader, when we thought there might be a new day from those folks over at the UBP and the OBA . . . it is the same old story. Drop your books, and you will lose your lessons! Sixty per cent of Bermuda will show you that story over and over again.

Mr. Deputy Speaker, what is really telling about this little piece in the Throne Speech Reply is that the Honourable Member, Shawn Crockwell, who predicted in this House in his very last speech in that seat right opposite me that the OBA would *not* win the next election because of all the skulduggery that was going on in those offices on Chancery Lane, Mr. Deputy Speaker, he said in this House, he said they will *not* win it. And, Mr. Deputy Speaker, this is proof.

The man has not even had a chance. . . the paint is not dry on his grave. And they have the audacity to put this in a Throne Speech Reply. And it is false, Mr. Deputy Speaker. They have no clue. From something that was taken off social media by who-knows-whom. Maybe they are consultants, maybe somebody who had a connection with someone who had access to Mr. Crockwell's phone, who was up at Prospect, Mr. Deputy Speaker. Tell me how it makes its way into the Throne Speech Reply in this country's legislature.

But yet, today in congrats and obits, we hear how they are saddened by the death of one of their former colleagues, Mr. Deputy Speaker. Falsehoods, Mr. Deputy Speaker!

On page 4, I highlighted one item: "Enabled Reduction of Standard Health Premium" in Bermuda. And I cannot help but say what they have done to a former Premier of this country with the reduction of fees for two pieces of equipment that only he has. Mr. Deputy Speaker, you talk about bold, bold actions by the OBA Government, to reduce those fees—and let us be clear: Bermuda HealthCare and Brown-Darrell Clinic—reduced those fees between 50 per cent to 80 per cent, Mr. Deputy Speaker! Who in this Island could survive with that kind of reduction in their paycheck?

*[Inaudible interjection]*

**Hon. Zane J. S. De Silva:** But he battles on. And, Mr. Deputy Speaker, on page 5, top of the page, they are boasting about "provided the environment to encourage hotel development at Morgan's Point, the Loren,

St. Regis ground breaking,"—and this is the kicker—"creating jobs for Bermudians"! My gracious, Mr. Deputy Speaker.

First of all, we know Morgan's Point started under us; it will finish under us. The St. Regis ground breaking? Wow! How much concrete has been laid, Mr. Deputy Speaker? I have not seen anything yet. And why did they not mention Ariel Sands? The former Premier jumped in a backhoe, and he and former Minister Fahey were down there with their hard hats on, kicking up, *Yes, sir, Ariel Sands is going to . . .* where is it going to? They learned a few things before they dropped the books; that dealing with developers is not as easy a task as a government. They sure learned that one, did they not? Yes, they did.

So, Mr. Deputy Speaker, I did not want to spend this much time on it. But let us talk about the next page, page 6, Mr. Deputy Speaker, the Commission of Inquiry. Now, they have no money for our seniors. They cut our at-risk youth programmes. They cut scholarships for our people. They cannot fix schools. They cannot do this, they cannot do that. But they find \$2 million for a Commission of Inquiry, which we know now was an absolute witch-hunt.

How could you have a Commission of Inquiry with a former Leader of the OBA? But they are transparent, they are honest, everything is okay. You have a commissioner who calls one of our friends up in the West . . . it did not even call our former member of the board of trustees, said it was absolute fraud. A churchgoing man, Mr. Deputy Speaker, trying to make a living. He has an agency for warehouses. And yet, you have a commissioner on that inquiry who says it is absolute fraud. He has not even interviewed the man.

That should have been grounds, *See you later! Adios, amigo!*, Mr. Deputy Speaker. But, no, we went through that. Good thing we did. I hope we know by the result of the election what the electorate thought of that Commission of Inquiry. It was yet but another . . . see, what they were hoping was that the Commission of Inquiry was going to be a free document that they could use in the election.

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** You had a former Finance Minister, Mr. Richards, who told our seniors that money does not grow on trees. But they found a couple of million dollars for the Commission of Inquiry. They found \$77 million for the America's Cup. The America's Cup, which was the magic money tree, I contest. The magic money tree, America's Cup. Well, what happened, Mr. Deputy Speaker? You had some companies in this Island saying they had record sales! One company said they hired 23 young black Bermudians. Where are they now? So you have record sales for two months. You hire 23 young black men. Where are they today?

The magic money tree called the America's Cup. Well, as we know, our Leader, the Premier of this country, had to come for a supplementary today for \$13 million—the great businessmen of the OBA. And, Mr. Deputy Speaker, put a line under that. There may be more coming.

And, Mr. Deputy Speaker, also on page 6 . . . now, this had to be the absolute most embarrassing moment for this legislature, and I say all of us, because it is coming from the Opposition Leader. And I quote, page 6, the last paragraph, and this is what the Opposition Leader says, "Failing to recover money that legitimately belong" (they should have had an "s" on there) "to the people of Bermuda is a dangerous precedent, and to fail to hold to account those who have perpetrated such injustice on our people is not just unfortunate, it sets a dangerous precedent and can be interpreted as tacit approval. This hardly puts Bermudians first." Mr. Deputy Speaker, "legitimately belong to the people of Bermuda." Money? What is she saying? That some people stole, Mr. Deputy Speaker? That is how I am reading this.

And, Mr. Deputy Speaker, she is saying that the Progressive Labour Party, no matter what Minister you are talking about, stole from the people of this country. That is what she is saying. That is the ultimate falsehood in this document, Mr. Deputy Speaker. This document almost in its entirety needs to disappear.

How much time do I have, Mr. Deputy Speaker?

**The Deputy Speaker:** Thirteen minutes.

**Hon. Zane J. S. De Silva:** Thank you.

Mr. Deputy Speaker, on page 15, at the top of the page, another highlight by the Opposition Leader, which she says they "dramatically increased visitor numbers and spending." Really. I tell you what. I tell you what, Mr. Deputy Speaker. For the sake of Bermuda, and you know I said this when I was in Opposition. For the sake of Bermuda, I hope that continues. I really do. But when you get rock-bottom, Mr. Deputy Speaker, there is only one way to go. And that is up. There is only one way; it is up. How many tens of millions of dollars are responsible for those visitor numbers rising?

Mr. Deputy Speaker, we also had something called the zika virus. And let us not be fooled. A lot of those folks who [had planned to go] to the Caribbean, to our neighbours in the south, during that period came to Bermuda. So I hope, for Bermuda and Bermudians' sake, that these numbers continue to rise. I really do.

Now, Mr. Deputy Speaker, let us move on to a legitimate document, a document that we are proud of. And that is one produced by the Honourable "wannabe" Premier, as was stated time and time again in this House by the former Finance Minister, a *wannabe*

*Premier*, called him "Boy" in this House many times. Well, now we have a boy Premier who is leading this country!

[Desk thumping]

**Hon. Zane J. S. De Silva:** Many times, *wannabe Premier, wannabe Finance Minister.*

[Inaudible interjection]

**Hon. Zane J. S. De Silva:** No, they do not understand, Mr. Deputy Speaker. They do not understand, Mr. Deputy Speaker. You drop your books, you will lose your lessons. Okay?

Now, Mr. Deputy Speaker, the Honourable Member who . . . well, he did not take his seat; he spoke and then just took off. I notice the former Premier took his bag, and he has gone, too.

[Inaudible interjection]

**Hon. Zane J. S. De Silva:** Yes. So long! Bye-bye! We will talk about that in a minute, too.

On page 8 of the Progressive Labour Party's Throne Speech, Mr. Deputy Speaker, the Honourable Member, Dr. Gibbons, talked about the Technology Hub. I have something to say about that Technology Hub, and it was interesting listening to Dr. Gibbons because you might recall way back when, when he said *a former-former-former government*, what he meant to say was, *The former-former-former was the UBP Government.* And he was the Minister of Technology way back when, you might recall. And all I am going to say is, mentioned three letters—TBI [Tele-Bermuda International]. Some of us who have been around long enough may remember that the Minister and TBI had a little bit of a relationship, now, did they not? Okay, Mr. Deputy Speaker? Now, of course, what the Honourable Member did not do was declare his interest, because technology, to me, would, WOW, be considered as technology. Because I understand that Dr. Gibbons and one gentleman that hit the headlines earlier this year, Mr. Rick Olson, are partners. In what? Well, WOW [World on Wireless]! I wonder what they are partners in. WOW, W-O-W.

So, I encourage the members of the media, you may want to do a little bit of homework and find out why there has been no declaration of interest or no declaration of anything else with regard to WOW.

[Inaudible interjections]

**Hon. Zane J. S. De Silva:** So, Mr. Deputy Speaker, the Throne Speech has been well documented today by my colleagues. But I would like to touch on a few of the things, Mr. Deputy Speaker, that touch on my area. And I know my time is limited, but I felt the Bermudian public needed to hear some of that infor-

mation, Mr. Deputy Speaker, because I did not want them to be led down the wrong street with regard to that document. (Thank you very much.)

Mr. Deputy Speaker, you will know that in this beautiful document, which will go down in history, I think, and the reason I say that, Mr. Deputy Speaker, you will find . . . and I encourage the OBA Government, and I certainly encourage the people of Bermuda, to hold us to account. You will find that this Throne Speech will probably go down in history in that everything in this Throne Speech, Mr. Deputy Speaker, with the assistance of the Almighty God, will be accomplished before the end of this session. Yes, they will. If He spares life I think you will see a lot of successes.

You will not see in the next Throne Speech, Mr. Deputy Speaker, a repeat. You may see one or two, but you will find many of these, if not all, will be accomplished under this Progressive Labour Party Government. Because we are going to set goals that we can achieve. They will not be political notes to sweeten anybody, Mr. Deputy Speaker. They are going to be achievable goals for our people on behalf of this Government.

Now, Mr. Deputy Speaker, there has been a little talk about Financial Assistance, and you even alluded to it in your very first Statement. Maybe we should change the Ministry. But, Mr. Deputy Speaker, we have, right now, here, as I sit, 361 able-bodied people on financial assistance. And my people have already said I am crazy, but I am going to get all of them in a room, Mr. Deputy Speaker, and we are going to have a conversation. We are. And we are going to see if we can put our able-bodied people who are on financial assistance to work. And if they do not have any qualifications, we are going to try and get them qualifications, whether it be GED, and then from the GED, you want a bachelor's? You want to be a welder? You want to be a plumber? We are going to get them some tools, Mr. Deputy Speaker, so that they are no longer on financial assistance. I have been tasked with that job.

And guess what? We have some disabled folks on financial assistance. Guess what? I am going to get them in a room, too, because some of our disabled and unfortunately challenged people, Mr. [Deputy] Speaker, can do other things, and they have other talents. And we are going to try and create opportunities for them, as well.

Mr. [Deputy] Speaker, I know it is a passion of our Premier to assist our football clubs, our community clubs. And I can tell you, I know it is a passion of his because he has called me in already three times and said, *Look. What's the update?* It has only been like, what, how many days? Fifty? And I have had three meetings already. *What's the story? What's going on?* For a minute there, I thought the last meeting that I had, he was going to fire me, Mr. [Deputy] Speaker. I said, *Partner, you've got to give me a little time.* But, Mr. [Deputy] Speaker, we will, as is stated very clearly

in the Throne Speech . . . if this former Government can give millions and millions of dollars of guarantees to a developer, and we can give millions and millions of dollars of guarantees to a bank, no less, why can we not give support and guarantees for the community clubs, the life-red, the blood, the grass roots people of this country?

*[Desk thumping]*

**Hon. Zane J. S. De Silva:** And, Mr. [Deputy] Speaker, you know what that speaks to? If we can do that, because I think many of us on this side, many of those on that side, have spent time with our people, our grass roots people, in workmen's clubs . . . we know what can be achieved. And we are going to help them, Mr. Deputy Speaker. We will help them.

And it is not a political ploy. We are going to help them, Mr. Deputy Speaker. We have already met with many of them and said, *You come back to us with your plans. You want to build a restaurant on your club? You want to increase your youth programmes?* Because, you know what, Mr. Deputy Speaker? We spend \$85,000 a year on a prisoner. Why the heck can we not spend \$20,000 on every one of our youths in this country?

But, you know what? My brother here, my colleague, Rolfe Commissiong, talks about it all the time. We need to peel back some layers! Why are our young black men killing each other? Why are those little white boys not killing each other? There is a reason for that! And we have got to peel back those layers, and we have to . . . we know why. There is a serious wealth gap in this country. There are serious issues with not supporting our youth and all the little programmes for our black children. And we have to get there.

I met with National Sports Centre yesterday, Mr. Deputy Speaker. And we talked about the support for BNAA [Bermuda National Athletics Association], now (it used to be Bermuda Track and Field) our black sport. Right across the wall is our swimming sport. Why is it that the swimmers get a hell of a lot more sponsorship money than those on the other side of the wall? And we had a few people in the meeting, Mr. Deputy Speaker, that did not like me to talk about it, *There's a reason for that.* Why do we not . . . when you have the track and field championships, you look up in the grandstands and it is predominantly what? Black! But you have a rugby festival or a swimming meet, and what is the prominence that is seen? Rolfe? MP Rolfe knows. He talks about it all the time. And he hits it head-on.

But I will tell you what the Premier has done, in his infinite wisdom. (Or he wants to punish me.) I tell you what. We have race relations under my Ministry, too. And I am going to be calling on Mr. Rolfe Commissiong, and all of his years of experience, to give me a hand. Let me lay down that marker. So,

folks, get ready. We had a big conversation not long ago; it seems like decades now. But you know what? That needs to come back on the table.

How much time have I got, Mr. Deputy Speaker?

**The Deputy Speaker:** You have got a minute and a half.

**Hon. Zane J. S. De Silva:** A minute and a half?

**The Deputy Speaker:** Yes.

**Hon. Zane J. S. De Silva:** Mr. Deputy Speaker, with regard to our clubs, because there may be a little misconception out there. They may be, *Oh, where are you guys going to get the money from already?* Already had questions from the media: *Where are you guys getting money from?* It is a guarantee, Mr. Deputy Speaker. It is a guarantee. We are not saying we are going to give every club in Bermuda \$1 million and say, *Go knock yourselves out!* But what we want to do is assist. And that assistance is going to be in the form of a guarantee if they require it.

But it is not going to be without checks and balances. We are going to have individuals who are going to assist those clubs to put whatever they need to put in place, whether it is liquor control, whether it is management of whatever they have in the club. We are going to assist them. And I will lay down that marker, because that is going to be a party for us, Mr. Deputy Speaker.

Now, Mr. Deputy Speaker, you know I am not like my Honourable Member, Mr. Wayne Furbert; he is a singer. But I have to leave you and the people of Bermuda on the one note: There is a song that was laid before me this summer. And it went (I am not going to sing it), but I am going to say . . . Wayne, MP Furbert, could sing it. It went something like this: *So long! Bye-bye!* And the significance of that song—

**The Deputy Speaker:** Thank you, the Honourable Minister of Social Development and Sports, from constituency 29. Bye-bye.

*[Laughter and desk thumping]*

**Hon. Zane J. S. De Silva:** Thank you very much.

**The Deputy Speaker:** The Chair recognises the Deputy Premier. . .

**Some Hon. Members:** Turn on your microphone.

**Hon. Walter H. Roban:** Thank you, Mr. Deputy Speaker. I made a promise to the Whip I will be brief. And perhaps I will have another opportunity in future sessions to be more descriptive and colourful and articulate on my presentations.

But I wish to certainly start with congratulating my party, our team and our leadership, for the Speech from the Throne and all that was presented in it last week. I do believe that it is a symbol of a page that has been turned in our country and the start of a new beginning. And I want to make something very clear to the people of this country, Members of this House and those who are listening: The future is on this side. The past is on the other side. That is what is very clear.

The voters, on July 18<sup>th</sup>, voted for a future. They did not vote to retain the past of pain and suffering which they have been experiencing for the past four and a half years. They voted at 60 per cent for the future—a future that will mean better education for our children; a future that is going to include Wi-Fi in our schools so our children can embrace the technologies and the needs of the future; a future that will include collaboration with our partners in business, in the unions and the community; a future that will include greater economic diversification, Mr. Deputy Speaker; a future that will remove policies that prey on those who do not have as much as those who are part of the privileged, policies like in debt collection, policies in pensions that make it more attractive for employers to employ non-Bermudian workers over Bermudians, policies that will ensure a bipartisan and all-encompassing approach to the future of immigration.

Like I said, Mr. Deputy Speaker, the past is over there with the Opposition. The future is with the Government, with the PLP Government. And the people embraced that future on July 18<sup>th</sup>. And this Throne Speech given on September 8<sup>th</sup> outlined the first steps that that future is taking. This Government has made it very clear that it is going to take steps. Yes, we have had to come out of the blocks running. But those steps, even when we are running, are going to be careful steps. That is why this Throne Speech outlines an objective for a year that we believe we can achieve. It has not put flowery proposals; it has not promised lofty objectives way beyond the means of the current Government.

Because let us not forget, Mr. Deputy Speaker, we were left with no money. And as the Honourable Premier has tabled a Bill to pay for things that could not be afforded, he tabled a Bill in this House for spending that was not allocated for from a Government, a former Government that said we had no money. So that is the reality. And that was done to paint a clear reality to the people of this country as to what the PLP Government is working with. That is not an excuse; that is a fact. But that fact does not change the optimism that we come to the House with and in our position as the Government of this country we are going to pursue.

That optimism was embodied in the 60 per cent of those persons who voted for this Government on July 18<sup>th</sup>. They voted for hope, as has already been said. They voted for opportunity. They voted for transparency. They voted for honesty in Government, a

Government that will tell them like it is, not propose lofty promises that could never be achieved.

And that is why we are here, and that is what we are actually going to ensure that we achieve on behalf of all of the people of this country. We have already begun our discussions with business, because we consider them a partner. We have already begun our discussions with unions, because they are our partners. We have already begun our discussions with people in the community who lead efforts to ensure that this community is healthy and happy, because they are our partners. And we are going to be a Government of partnership, going forward.

And we have been given a clear mandate, Mr. [Deputy] Speaker. It does not mean that we are not going to consult, because many of the things that we have outlined in this Throne Speech are about partnership and even working with the Opposition. In some jurisdictions, Mr. [Deputy] Speaker, having 60 per cent, you do not have to work with anybody. But that is not the philosophy of the Progressive Labour Party. It never has been. Sixty per cent, a historical mandate not equalled in over a generation in this modern Bermuda political environment. But we are going to partner. We are going to work with the people in this country. We are going to work with the Opposition. We are going to work with business. We are going to work with unions. We are going to work with our clubs. We are going to work with caring organisations that are working for our seniors, working for our children, working for those who are disabled, to ensure that the decisions and the steps made to improve Bermuda going forward will benefit everyone.

Now, Mr. [Deputy] Speaker, I believe I was given strict instructions by the Whip. And so, I am going to abide by those instructions, and I am going to take my seat. But I do believe that I have come late to the House, because I was in London doing business on behalf of the people of Bermuda. And I would just like to say one other thing, which is that Brexit is real. And the challenges that our country can face around that are real. And we as a Government and as a people must hold hands together to face the challenges of the United States and the administration over there, and what we are facing from Europe.

And I do hope that we will have the cooperation of the Opposition in that. Some of the things I have learned are real, and I do hope that, going forward, not only will the work that we do out of the Throne Speech will see great support from the community, but I do hope the steps that we know we have to take to ensure the protection of Bermuda as a safe, economically successful jurisdiction that will benefit her people will also be supported. Thank you.

**The Deputy Speaker:** Thank you, Mr. Deputy Premier, Minister of Transport and Regulatory Affairs, from constituency 15. And thank you again for being brief.

Any further speakers?

We call on the Premier, who will be the final speaker in this debate.

**Hon. E. David Burt:** Good evening, Mr. Deputy Speaker. And, Mr. Deputy Speaker, we have had a wide-ranging debate today on the Throne Speech, which was delivered last week Friday. And I think it makes it very clear what is the difference between the Government, Progressive Labour Party, and the Opposition, One Bermuda Alliance. And it is very, very simple. They are the past. And we are the future. Their ideas are from a bygone era, and our ideas and plans are for the future of this country.

So whether it is the last person who spoke on that side, the former Honourable Minister for Economic Development, who said he has been here for 23 years; or whether it be the former Premier, who, even though his last speech given in this place, from this exact seat, said that he would come back to Parliament and defend his record against a vote of no confidence, went to the polls and today could not even speak to defend his Government's record; or whether it be the former Honourable Attorney General, who seems that we should take money that is promised to Cash Back [for] Communities to pay for his overseas lawyers—they represent the past, Mr. Deputy Speaker. And on this side, we represent the future.

And it could be no more clear about the past when listening to the Honourable Member, Mr. Grant Gibbons, talk about our Throne Speech, which said, to listen to the Honourable Member talk about the less fortunate in society and say that we are pandering to our base when talking about trickle-down economics. Now, I can tell you what, Mr. Deputy Speaker. There are a whole lot of people in this country who would like to be in the position of sitting at the table of BAC [Bermuda Air Conditioning]; and Capital G; and Colonial; and Bermuda Motors; and Burrows Lightbourn; and WOW [World On Wireless].

**An Hon. Member:** There are more. There are more.

**Hon. E. David Burt:** I am just saying there are a whole lot of people who would like to be sitting at that table.

But most of the people in this country, Mr. [Deputy] Speaker, are taking the crumbs. And our job is to ensure that they have a seat at the table, Mr. Deputy Speaker. And so, when I hear about the Honourable Member saying that we are pandering to our base, guess what, Mr. Deputy Speaker? The base is the 59 per cent of the people in this country who gave us 24 seats. And they are the ones who are the people who are calling the shots. As I said, the past and the future.

And the disconnect continues, Mr. Deputy Speaker, because, as I mentioned earlier, not a peep from the former Premier today in here, of course. But it seems as though . . . and I will call him, because

even though he is not a Member of the Shadow Cabinet, he seems [to be] the de facto Opposition Leader, because you see him taking his photo ops as always, posting his pictures, making his comments, doing all the rest. His Twitter is more active than the OBA's Twitter—all that type of stuff, as though he is still there. But he cannot speak in here, it seems. And then he decides, during Parliamentary Questions, when he could have gotten up and defended his Government's record, clarified what may have been happening, takes to social media to say, *Well, the former Government approved \$300,000 of community grants, and it is shameful that the new Government has spent the money elsewhere.*

Well, guess what, Mr. Deputy Speaker? There was not \$300,000 to give! So, the former Government just engaged in fraud, promising everything to everybody before that election campaign in the hopes that they would be re-elected.

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

**The Deputy Speaker:** What is your point of order?

**POINT OF ORDER**

*[Imputing improper motive]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member is imputing improper motive. Nobody *engaged in fraud*. The Honourable Member needs to withdraw that comment.

**The Deputy Speaker:** Mr. Premier, carry on.

*[Inaudible interjections]*

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

Well, let us put it this way, seeing that the Opposition Leader, I guess, is an accountant. So, if you tell somebody that you are going to give them \$300,000, but you only have \$200,000 in the bank, what is that called?

*[Inaudible interjection]*

**Hon. E. David Burt:** Thank you. I rest my case. It is very simple. The numbers do not lie, and the facts are here. And, of course, we hear from . . . I will get to you, Madam Opposition Leader, in a little bit, because we hear her talking about *disgusting*. Well, you know what was disgusting, Mr. Deputy Speaker? Her Reply.

**An Hon. Member:** Yes, sir! Yes.

**An Hon. Member:** Falsehoods.

**Hon. E. David Burt:** That is what was disgusting. And it is so sad that they have not learned the lessons from the election campaign.

Now, they sat there throwing mud, throwing mud, making up stories, throwing mud, sending out their henchmen, throwing mud, doing whatever they could possibly do to distract away from their poor record of government, and it did not work. That is why they are over there. We know all the stories. Sending people out to record me secretly.

**An Hon. Member:** That is right!

**Hon. E. David Burt:** We remember all of it. We saw it all.

*[Inaudible interjections]*

**Hon. E. David Burt:** Oh, yes! Oh, and the Opposition Leader looks at me in shock and surprise about people are recording me secretly. Well, guess what the secret recording people came to ask me about? Oh, you know, about some supposed trip to New York. There we go. So, do not be too surprised unless the former Opposition Leader or the de facto Opposition Leader kept you in the dark. Or maybe the former campaign chair, former Minister Fahy, who now wants to be "Honourable" Michael Fahy—

**An Hon. Member:** Not an honourable man.

**Hon. E. David Burt:** Maybe he kept you in the dark, Madam Opposition Leader. Maybe you have not realised how it works over there in the One Bermuda Alliance. And even though you might sit in the seat, you may not really be in charge.

**An Hon. Member:** They do keep some people out of the real picture. We know that.

**Hon. E. David Burt:** But that is what happened. You would think that they would learn. But they have not learned. And then at the end of the Opposition Leader's speech, she has the absolute nerve to say, and I quote, "[I] trust that the pettiness of politics takes a back seat . . ."

**Some Hon. Members:** Wow. Oh, my goodness.

**Hon. E. David Burt:** Now, there will be some, Mr. Deputy Speaker, who would question the state of someone who could engage in pettiness for a full speech and then, at the end of the speech, say, *I hope that pettiness takes a back seat*. Well, I think that the Opposition Leader probably needs a new name, because I will call her, this evening as I go through this, "the Princess of Pettiness." Because when you want to come and talk about how we have put seniors to the front of the line in a protest, and you



have the audacity to talk about being petty in an official speech, when you have the audacity to talk about, and I quote, “[a] trip . . . with would be gaming operators”—

**An Hon. Member:** Wow!

**Hon. E. David Burt:** It is below and beneath the dignity of this House!

**An Hon. Member:** And the office of Opposition Leader.

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

**Hon. E. David Burt:** And when asked about it earlier, she could not even bring up anything to confirm this. But here is the thing, Mr. Speaker, I can tell you. There was no trip to meet with, as I quote, what was this, “would be gaming operators.” It was a figment of the imagination of the One Bermuda Alliance and those persons of whom they wanted to put in the campaign. But it is no surprise, because she, the Honourable Opposition Leader, will put anything in her speech, just like there was a line that said that we implemented the Tourism Incentive Act.

Mr. Speaker, search the records. There is nothing ever called the Tourism Incentive Act. It does not exist. The Honourable Opposition Leader made up an Act, put it in her Reply and said, *This is something that the former Government did*. Just made it up!

*[Inaudible interjections]*

**Hon. E. David Burt:** Made it up! Let us go on, because it is almost as though, when we are talking about beating the dead horse about the election campaign, on page 13 we see again, as though it did not work in the campaign, they figure, *Maybe it will work now*.

**An Hon. Member:** Yes, let’s give it a shot.

**Hon. E. David Burt:** Talking about *the Government’s plan to invest pension plan money in start-ups*.

And then they have the audacity to question the credentials of the new Chairman of the Public Funds Investment Committee! Well, it just so happens that that chairman, Mr. Barclay Simmons, the former Chairman of the Bermuda Monetary Authority, the former Chairman of Butterfield Bank, a member of your very own blue-ribbon panel on the airport, all of a sudden he is not good enough because we appointed him to chair a very important committee. Making things up. To imagine that they would actually call into question someone who is serving the country on a voluntary basis.

But that is the nature of the One Bermuda Alliance, Mr. Speaker. And that is why I say it is the

past versus the future. And it is as though they did not learn when we hear them talking about the America’s Cup. Now, we were here earlier today. And I think that everyone who has a boat may have driven through the Great Sound and seen this wonderful \$40 million empty piece of land. We talk about the legacy of, as the Honourable Opposition Leader said, *500 Bermudian jobs*. My question to you, Mr. Speaker, is, where are those jobs now? It is simple—the past versus the future.

Now, Mr. Speaker, I am not going to waste too much time on the Honourable Member’s Reply or the comments from those Members of the past, because what the people of this country voted for on July 18<sup>th</sup> was a different vision. And that is what we provided last week Friday. That was the Speech from the Throne of which the Governor read, representing this Government. And it talked about things which, for some reason, the One Bermuda Alliance has found a way to criticise, collaboration. Well, guess what? The reason why you are over there is because you did not listen enough to the people and the stakeholders in this country. And guess what? We will not make that mistake. We will collaborate, and we will not make any apologies for collaboration. We will work with international business and local business to grow this economy.

*[Pause]*

**Hon. E. David Burt:** (Oh. I thought people were excited.)

We will have a Tax Reform Commission that will examine our system of taxation and that will make recommendations to make our system of taxation more fair.

**The Speaker:** Reminding the Members to have those technical items turned off.

*[Inaudible interjections and laughter]*

**Hon. E. David Burt:** I know, right?

*[Laughter]*

**The Speaker:** Premier, you can continue.  
Premier?

**Hon. E. David Burt:** Sorry, Mr. Speaker. I was getting distracted.

We will, as I said, the future . . . we will have an Economic Diversification Unit to diversify this economy, which we have been speaking about for so long, but actions have not happened.

And when I hear the questions about, *Oh, we should just rely on a lobbyist in Washington, DC*, here is the thing, Mr. Speaker. Again, it is the past versus

the future. We are paying rent for an empty office in DC.

*[Inaudible interjection]*

**Hon. E. David Burt:** Yes, we are paying rent for an empty office in DC. Why not staff that office instead of paying a lobbyist, and that person can do more than just lobby? He can do business—he or she can do business development. They can do things to grow our economy and to assist. That is what we talk about, Mr. Speaker. It is the past versus the future.

When we are talking about what happens in the European Union, which happens to hold great significance, we are going to make sure that we tell our own story and not rely on the United Kingdom to tell the story for us. The past versus the future, Mr. Speaker. When we talk about community club loan guarantees, criticised by the other side, even though they were perfectly willing to give guarantees to their friends . . . well, guess what, Mr. Speaker? It is the past versus the future, because the people inside of those clubs and those communities want support from their Government, and they are tired of seeing their Government only support others and not their own.

We talk about Financial Assistance reform—a whole lot of words from the Opposition, but they did nothing. We will make the reforms which are required in order to get able-bodied people into work and to upgrade their skills because that is the only way that we are going to fix the issue in the long term. The past versus the future.

There was a comment from the former Minister of Education, talking about what was the empirical evidence about middle schools and whatnot. Well, allow me to say something very clearly: It may not be the same in constituency 8, where that Member represents, because I suspect that a large number of his constituents are not in the public school system. But when I am on the hills of West Park Lane, when I am on Mount Hill, when we are inside of our communities, we hear what our constituents are telling us loud and clear. It was inside of our platform to revert to a two-tiered system, and this Government will keep its promise. We will consult. We will get it right. But we will do what is necessary to make sure that our young people have the best results. Because, Mr. Speaker, you have heard me before. I have pledged that my children when they come old enough will be in the public school system. And I want to make sure that that system is the best.

There are many Members who sit to my left, to my right, and even some across who are Members of the Progressive Labour Party who all have their kids in the public school system. And in that case, we want to be sure that this system is working for us. So when we hear about the past versus the future, when we talk about the things inside of our Throne Speech, talking about developing apps for the Government,

making sure that our young people at the Bermuda College are developing them instead of high-price IT consultants, again, the past versus the future.

We, Mr. Speaker, are going to do things differently. We are going to implement a living wage. We are going to have bipartisan immigration reform that is going to assist to grow our economy and make sure that our system of labour regulation works better. We are going to remove the inequities from the pension legislation, which we have spoken about for five years, but now have a chance to do, something that belatedly found its way into the One Bermuda Alliance election platform. We are going to make sure that we reform the child support system. We are going to make sure that we reform legal aid. We are going to make sure that we start regulating conduct in financial services, whether that be banks, insurance companies, or debt collection. That is what we are going to do, Mr. Speaker, because that is what a modern democracy deserves. The past versus the future, Mr. Speaker. That is what we have had.

So, as I get ready to close, I am reminded . . . oh, dear.

*[Laughter]*

**Hon. E. David Burt:** (I have got to make sure this new thing is working.)

I am reminded that, as Bermudians, we need to have confidence in our abilities. We need to have confidence in the fact that we can be different, that we can do better, that we can make the changes that are required, that we do not have to be constrained by our small size or our past mistakes, that we can do it differently as we go forward.

And the challenge that we have, Mr. Speaker, is that there are some persons in this country who, in my view, suffer from a collective sense of mental slavery. And it prevents them from thinking differently. It prevents them from thinking in a way that is not European-centric. It prevents them from thinking that the ethos of which they have been told [can] be the only way, and they cannot think of something different.

Mr. Speaker, the people voted for change. Whether it be the young people who I see, who say that July 18<sup>th</sup> was the first time that they ever voted; or whether it be the 40- and 50-year-olds who registered to vote for the first time and came out to express their democratic right on July 18<sup>th</sup>, they felt motivated. They felt motivated to stand up for their children's future and for their future. We will, as a Government, represent them. We will fulfil their hopes, their dreams, and their aspirations. We will make sure that we are a part of the communities of which we represent. And we will not fall into the trap of allowing those persons who represent the past from keeping Bermuda from the greatness of its future.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Thank you, Mr. Premier.

That brings it to a close, the item that we have been discussing, item 1, the Reply to the Throne Speech.

The other items, Orders 2 through 7, are carried over. Correct, Mr. Premier, carried over?

## **ANNOUNCEMENT BY THE SPEAKER**

### **SESSIONAL SELECT COMMITTEES**

**The Speaker:** Before I call on you, Mr. Premier, there was one item that I forgot to do this morning that I would like to do at this moment.

When I named the Standing and Sessional Committees, I forgot to name the **Panel of Chairs**. And the Deputy Speaker heads up that panel as the chairman. The Honourable R. Ming, the Honourable S. Jackson, the Honourable R. Commissiong, the Honourable N. Simons, the Honourable L. K. Scott, and the Honourable H. K. Swan are the members who complete the Panel of Chairs for this session.

I would also like to remind Members, particularly our new Members, that there will be the training session for new Members. It is going to be this Thursday at noon, here in the Chambers—for all Members, actually. Not just new Members, but for all Members. A refresher course for some of the older Members.

Mr. Premier.

## **ADJOURNMENT**

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

Mr. Speaker, I move that the House do now adjourn until September 22<sup>nd</sup>.

**The Speaker:** Thank you, Mr. Premier.

No Members wish to speak to that?

The House now stands adjourned until next week Friday at 10:00 am.

*[Gavel]*

*[At 10:07 pm, the House stood adjourned until 10:00 am, Friday, 22 September 2017.]*

**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****22 SEPTEMBER 2017****10:07 AM***Sitting Number 3 of the 2017/18 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Mrs. Shernette Wolffe, Clerk]***CONFIRMATION OF MINUTES***[Minutes of 15 September 2017]*

**The Speaker:** Members, confirm the Minutes?  
Minutes confirmed.

*[Minutes of 15 September 2017 confirmed]***MESSAGES FROM THE GOVERNOR**

**The Speaker:** There are none.

**ANNOUNCEMENTS BY THE SPEAKER  
OR MEMBER PRESIDING****APOLOGIES**

**The Speaker:** Yes, the Speaker has two announcements. I announce that I have received official notice from three of our Members that they will be absent today. I acknowledge notice from Minister Burch, Minister Roban, and Member Leah Scott. All indicated they will be absent from today's proceedings.

**BERMUDA OMBUDSMAN'S REPORT 2016**

**The Speaker:** I also have a further announcement. I have received the Annual Ombudsman's Report for the year 2016, and I submit this in compliance with section 24(1) and 24(3) of the Ombudsman Act 2004.

**MESSAGES FROM THE SENATE**

**The Speaker:** There are none.

**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE**

**The Speaker:** I recognise the Minister of National Security. Minister Caines.

*[Pause]*

**The Clerk:** The Motion that I gave you, the piece of paper that I gave you.

**The Speaker:** Okay. We will proceed forward.  
Minister, if you can sort yourself out later, we will come back to your item.

**PETITIONS**

**The Speaker:** There are none.

**STATEMENTS BY MINISTERS  
AND JUNIOR MINISTERS**

**The Speaker:** We have five Statements this morning from Ministers or Junior Ministers. The first Statement, I believe, is from . . . [first] we are going to do Minister Brown, Minister of Immigration and Home Affairs.

Mr. Brown, would you lead us off?

**UPDATE ON INVESTIGATIONS—  
ALLEGED SCHEMES FOR LAND OWNERSHIP  
BY NON-BERMUDIANS THAT CONTRAVENE  
THE BERMUDA IMMIGRATION  
AND PROTECTION ACT 1956**

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

Mr. Speaker, Honourable Members will remember that my Ministerial Statement from the 15<sup>th</sup> of September 2017 was titled "The Next Wave of Changes to Immigration Policies and Procedures." I am about to describe another component of this "next wave," and I rise today to provide an update on investigations into [alleged schemes for non-Bermudians to own land](#) without the benefit of a land licence.

Mr. Speaker, prior to the enactment of the Bermuda Immigration and Protection Amendment Act in 2007 (the 2007 Act), non-Bermudians were utilising schemes—including Bermuda trust companies—to acquire an interest in Bermuda real estate, without obtaining a licence in accordance with the Bermuda Immigration and Protection Act 1956 [BIPA 56]. These schemes are referred to as "fronting arrangements."

Mr. Speaker, there are approximately 120 properties that are being investigated. While properties may be in contravention of the 2007 Act, it may be determined that not all are, by definition, fronting arrangements. The use of these fronting arrangements is estimated to have cost the Government approxi-

mately \$40 million during the 10-year period preceding the enactment of the 2007 Act.

Mr. Speaker, the 2007 Act sought to criminalise fronting arrangements by introducing severe penalties for those who contravened its provisions. Simultaneously, the 2007 Act granted a three-year amnesty period for non-Bermudians caught by its provisions to either obtain licences or dispose of their interest in the Bermuda real estate. While some of those affected complied within the three-year amnesty period, others did not, despite the dire consequences of non-compliance.

The Attorney General's Chambers have undertaken to identify those non-Bermudians who continue to flout the law, and to ultimately make recommendations to the Director of Public Prosecutions to prosecute [offenders in order] to recoup some of the estimated \$40 million referred to above.

Mr. Speaker, in order to progress this work quickly, the Government will be allocating dedicated resources to this project. We will be working with the Attorney General's Chambers to ascertain the most cost-effective method for completing this initiative. Thank you, Mr. Speaker.

*[Desk thumping]*

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

Do any other Ministers have Statements?

I believe we will have the following Statement now from Minister Foggo. Minister Foggo, you have the floor.

#### **BERMUDA POST OFFICE MAIL PROCESSING CENTRE RELOCATION**

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker. Good morning to all.

Mr. Speaker, I rise today to advise this Honourable House of the planned relocation of the Bermuda [Post Office Mail Processing Centre](#) and the circumstances surrounding its move.

Mr. Speaker, Members of this Honourable House will be aware that the Bermuda Post Office Mail Processing Centre (or BMPC) is in the process of vacating its publicly owned premises at the L. F. Wade International Airport to relocate to a privately owned facility at Mills Creek. The move, Mr. Speaker, is required as a result of an agreement entered into by the former Government, specifically, between the Bermuda Airport Authority and Project Co. Simply put, Mr. Speaker, based on the deal made, the BMPC now resides on leased premises.

Mr. Speaker, to offer a bit of background with respect to the necessity to relocate, I wish to provide the following from the official agreement:

"In accordance with Schedule 2, Section 14.3(d) of the Agreement, the Authority shall arrange alternative premises for the Bermuda Post Office and

will use its best efforts to cause the Bermuda post office to vacate the space currently occupied by the Bermuda post office on the Leased Premises by September 30, 2017.

"If the Bermuda Post Office does not vacate the space currently occupied by the Bermuda Post Office on the Leased Premises by September 30, 2017, the Authority will:

"(i) pay rent to Project Co for the space that continues to be occupied by the Bermuda post office commencing October 1, 2017, such rent being based on the fair market rent for comparable premises and;

"(ii) continue to use best efforts to cause the Bermuda post office to vacate the space currently occupied by the Bermuda post office." [UNVERIFIED QUOTE]

Further, Mr. Speaker, if the Bermuda Post Office continues to occupy space on the leased premises after December 31<sup>st</sup>, 2017, then the Authority will pay Project Co \$600,000 as a single liquidated sum as full compensation and the Bermuda post office will be permitted to remain in its current premises for the term without further payment of rent or occupancy cost, subject to the Bermuda Post Office entering into a sublease with Project Co.

Mr. Speaker, this arrangement regarding the relocation of operations has unintended consequences. The move has the potential to jeopardise the reputation of Bermuda's postal service international standing and impact revenue collection. In accordance with its international service agreement, revenue is directly related to meeting specific service standards. The future requirement of having to move airmail to a non-airport facility before sorting and distribution will increase receipt time and decrease efficiency, thereby negatively impacting service standards. Further, the move significantly affects the Department of Customs and the border control work that they are required to manage.

Members should be aware that the Customs Department is co-located with the Bermuda mail postal facility at the L. F. Wade International Airport. Honourable Members should also know that the Customs Department has legislative jurisdiction over all incoming mail into Bermuda and remains the first line of interdiction.

Mr. Speaker, the Customs Department is responsible for collecting and protecting the revenue, and for enforcing import and export prohibitions and restrictions. In fact, their primary purpose at the BMPC is to monitor and control the cross-border movement of mail. Members of our Customs Department therefore X-ray and screen inbound mail prior to release to the Bermuda Post Office. The strategic alignment of the two agencies provides for a seamless handover of mail from one agency to the other, with limited security risks and enhanced efficiency of operations.

Mr. Speaker, as a result of the agreement entered into by the former Government, development

costs must now be expended on leasehold improvements that are required at the new, privately owned Mills Creek facility to accommodate the segregation of the two agencies. Such segregation is in accordance with the requirements of the standard operating procedures for the Department of Customs to carry out their duties in a secure environment.

Mr. Speaker, several sites, including government-owned facilities, were considered in a bid to minimise the costs associated with the required move. This is a cost that should, technically, be represented as a line item when tallying the cost of the development of the new airport. Nevertheless, Mr. Speaker, given the unique operating requirements of the two agencies, Customs and the BMPC, the Ministry of Public Works deemed that the best alternative was the Mills Creek facility. The rental expense will be \$30,000 per month.

Mr. Speaker, it is expected that the Ministry of Public Works will enter into a formal lease in the coming days. The Ministry of Public Works will also manage the leasehold improvements and associated processes. The development project commenced this week and is expected to take no more than four weeks to complete, inclusive of the relocation activities.

Honourable Members will recall Supplementary Estimate (No. 1) 2017/18, which was tabled in this Honourable House on Friday, September 15<sup>th</sup>. The estimate includes \$290,000 to fund the relocation of the post office mail facility from the airport, to avoid penalties and having to pay rent to Aecon.

Mr. Speaker, given the timelines associated with the development project, it is unlikely that the move will take place before September 30<sup>th</sup>, 2017, as per the agreement. Every effort will be made, however, to work with Skyport to avoid penalties.

Therefore, it is anticipated that the Bermuda Airport Authority, the agency responsible for managing the Government's contract with Skyport, will formally communicate the anticipated delay to Skyport, and the two entities will work to mutually agree [on] an outcome such that the financial penalties as set out in the Project Agreement are not triggered. No more than a 30-day extension will be requested.

However, I can assure Honourable Members and the public that every effort is being made to expedite the move. Thank you, Mr. Speaker.

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

We have further Statements from . . . Premier, would you like to go now? I was going to leave you for last while you are trying to get settled, you know. But, Premier, we will go to your Statement now.

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

**The Speaker:** Thank you.

## **BERMUDA PLACED ON FRANCE'S "WHITELIST" FOR COUNTRY-BY-COUNTRY REPORTING**

**Hon. E. David Burt:** Mr. Speaker, I am pleased to rise today to provide Honourable Members with the positive news that the Republic of [France has awarded whitelist status to Bermuda for Country-by-Country reporting \(CbC reporting\)](#).

*[Desk thumping]*

**Hon. E. David Burt:** Bermuda is the first UK Overseas Territory to be awarded this status.

Mr. Speaker, the Organisation for Economic Cooperation and Development (OECD) Base Erosion and Profit Shifting (BEPS) Action 13 report (Transfer Pricing Documentation and Country-by-Country reporting) provides a template for multinational enterprises (MNEs) to report annually and for each tax jurisdiction in which they do business. This report is called the Country-by-Country (CbC) report.

Honourable Members are advised that Bermuda participates in a multilateral Country-by-Country competent authority agreement known as the Multilateral Country-by-Country Competent Authority Agreement on the Exchange of CbC Reports (known in short as the CbC MCAA).

Mr. Speaker, what this means is that Bermuda will be ready to share Country-by-Country 2016 Fiscal Year reports as of June 2018 with EU member states who, like Bermuda, are early adopters of the CbC reporting to exchange 2016 Fiscal Year reports. France is also one of the EU member states who are early adopters of CbC reporting.

Mr. Speaker, why has France conveyed this positive recognition to Bermuda? The simple reason is that Bermuda has satisfied the technical requirements, which are as follows:

First, Bermuda was an early adopter for 2016 year data. Second, Bermuda has an activated Country-by-Country reporting relationship with France. Third, Bermuda's new tax information reporting portal is now fully operational, with the OECD portal whereby Bermuda can transport our Country-by-Country reports to France. And, finally, Bermuda's Country-by-Country legislation, our Country-by-Country regulations, and our Country-by-Country guidance notes are in force and in effect.

Mr. Speaker, Bermuda satisfied these technical requirements because of the collaboration and hard work of the Treaty Unit in the Ministry of Finance, the Attorney General's Chambers, and our private sector industry partners. I would like to thank all parties mentioned for their sterling effort, which has resulted in this action.

Mr. Speaker, Bermuda's placement on France's whitelist for Country-by-Country reporting will further establish Bermuda's leadership in supporting international cooperation in tax matters and financial

transparency. However, continued engagement with the EU and its member states in the weeks and months ahead is vital in view of the current risk that we may face from the EU. To this end, I can report that I will be traveling to Paris and Brussels next month to attend meetings with key political policymakers in an effort to provide necessary support to Bermuda's efforts to avoid blacklisting by the EU Code of Conduct Group. Thank you, Mr. Speaker

**The Speaker:** Thank you, Mr. Premier.

I understand we have further Statements. Minister Caines.

### INTEGRATED BALLISTIC IDENTIFICATION SYSTEM

**Hon. Wayne Caines:** Mr. Speaker, I am pleased to advise this Honourable House and the public of an innovation in the continued management of investigation of violent crime in Bermuda. In conjunction with the UK's Foreign & Commonwealth Office, an [Integrated Ballistic Identification System](#) has been devised for the benefit of police firearms investigations.

Mr. Speaker, in December 2016, the UK Foreign & Commonwealth Office secured approximately \$1.3 million from the UK's Conflict Security and Stability Fund [CSSF] to implement an Integrated Ballistic Identification System [IBIS] for each of the British overseas dependent territories. The IBIS will provide the ability to collect and store 2D and 3D images of cartridge cases and bullets, perform automatic and manual correlations, analyse correlation results and compare images.

The results will link bullets and cartridge cases to specific firearms and crime scenes, allowing the BPS [Bermuda Police Service] to present strong evidence at court, as well as track the use of firearms in Bermuda. Additionally, Mr. Speaker, the IBIS will allow connectivity to the Caribbean Regional Integrated Ballistics Information Network [RIBIN] and to the INTERPOL Ballistics Information Network [IBIN]. This will provide enhanced forensic capability by widening the scope of evidential comparisons to include global databases.

Mr. Speaker, I can advise this most Honourable House that the full cost of this project, for the first three years, has been met from the CSSF that is managed by the Overseas Territory Department in Miami. The financial commitment for the BPS will start in Fiscal Year 2021 and will represent an ongoing cost of \$50,000 per year.

The BPS has historically used the professional services of RJ Lee, from the US. From 2010 to 2016, the annual cost of these services has ranged from \$30,000 to \$150,000, depending on the [number] of cases that are sent overseas for analysis. The use of IBIS will eliminate this cost, and, given the offsetting effect, the Bermuda Police Service anticipates that the

cost of IBIS will be met within the existing budget allocation.

Mr. Speaker, this initiative is an important addition to the forensic investigative capacity of the Bermuda Police Service and one which this Government is pleased to support. Thank you, Mr. Speaker.

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

Minister Caines, I understand you have a further Statement. Would you like to do that now?

**Hon. Wayne Caines:** If it pleases you, Mr. Speaker.

**The Speaker:** Continue.

### CYBERSECURITY CONCERNS US ALL

**Hon. Wayne Caines:** Mr. Speaker, Honourable Members will recall that in this year's Speech from the Throne, the Government determined [cybersecurity](#) as a national priority. The Ministry of National Security has been tasked with ensuring that our digital infrastructure is properly protected and the risks facing all of our country are properly mitigated.

Mr. Speaker, cybersecurity is not limited to information technologies or to the business world. This issue concerns us all. Indeed, every person on the Island who has access to information and uses the Internet has become keenly aware of the risks associated when going online—whether at work, at school, or at home.

Mr. Speaker, Bermuda works very hard to uphold its reputation as a trusted blue-chip jurisdiction; any risk facing our Island, even reputational risk, could prove detrimental to our quality of life. One way to be better equipped to face these risks is to educate ourselves and to increase our resilience as individuals, because we are the first line of defence when it comes to cybersecurity. One person clicking the wrong link or responding to the wrong email has shut down whole businesses and can affect the businesses locally and internationally. But as a Government, we are very aware of how this can affect government services and much more.

Mr. Speaker, there is a very real example of the risk that occurred on May 12<sup>th</sup> this year. A ransomware script called WannaCry infected networks around the world and devastated hundreds of thousands of targets. In the UK's National Health Service, the attack spread to diagnostic equipment and forced hospitals to divert emergencies. Only through sheer luck did an information security officer and researcher find a way to quickly disable the malware responsible.

Mr. Speaker, without strong cybersecurity awareness and preparedness, our personal and financial safety, economic prosperity, and national security are at risk.

It is therefore my view—and by "my view," I mean all of us, those of us in the Government as well

as those of us in private sector—that we must share the responsibility to ensure that we are well prepared to identify and manage cybersecurity risks wherever and whenever they appear. As a part of this effort, we need to adopt, and teach our children to adopt, safe cyber behaviours both at school and at home.

At an organisational level, we must use the most effective ways to achieve cybersecurity preparedness. And how do we do this? It is to adopt a cybersecurity framework which was the focus of Cybersecurity [Framework] Workshops that were held at the Bermuda Underwater Exploration Institute this past week.

Over 100 individuals benefitted from the expertise and experience of both local and international experts in the cybersecurity field. The Bermuda Government engaged in cybersecurity work of its own. We have a Cabinet committee under my chairmanship. This will be working to address and attempt to mitigate cybersecurity risks to the Bermuda Government. We will consistently evaluate and update our cybersecurity measures. We have adopted the National Institute of Standards [and Technology's (NIST)] Cybersecurity Framework. The framework of the NIST, as it is called, has much to offer. And it is well worth considering as a starting point for achieving cybersecurity preparedness.

Mr. Speaker, the road to cybersecurity preparedness requires a multi-stakeholder approach, and we are not going at it alone. The Cybersecurity Working Group, comprised of private and public sector IT and security professionals, is auditing the cybersecurity preparedness landscape of Bermuda. This group has assembled the best IT [information technology] professionals on Island, led by Mr. Ronnie Viera. The Government is committed to ensuring that this working group has all the necessary resources to complete its most important task.

Mr. Speaker, we have developed a vibrant digital society that relies on our critical national infrastructure and commercial business, both locally and internationally, for our continued prosperity. Our reputation as one of the world's most sought-after jurisdictions for international business rests on the proven assumption that doing business here is safe and secure.

Moreover, our national security depends on the uninterrupted functioning of our hospital, banks, and energy grid. One lethal cyberattack, however, can change the picture entirely, regardless of whether the target is a provider of good public service or a private company. This means that cybersecurity must be addressed collectively by the full range of affected stakeholders, including government, industry, schools, and charities. And that is why the conversations we have started this week must continue. Thank you, Mr. Speaker.

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

**Hon. Wayne Caines:** Mr. Speaker, with your leave, and with an apology, I would like to now attach—

**The Speaker:** Well, I am going to ask you to hold off. I am going to come back to you.

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

**The Speaker:** But I will do it in my order; how is that?

**Hon. Wayne Caines:** Thank you, Mr. Speaker. I apologise, sir.

**The Speaker:** No problem, Minister.  
Madam Clerk, reports?

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

Now, with the indulgence of the House and the apologies of the Minister, we can go back to the Papers and other Communications.

**Hon. Wayne Caines:** If it pleases you, Mr. Speaker.

**The Speaker:** Thank you.

## PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

### PAYMENTS FROM THE CONFISCATED ASSETS FUND

**Hon. Wayne Caines:** Mr. Speaker, I have the honour to attach and submit for the information of this Honourable House a listing of the Confiscated Assets Fund payments for the years 2014 to 2015 [*sic*]. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister.  
We are now at the—

### POINT OF CLARIFICATION

**Hon. Trevor G. Moniz:** Excuse me, Mr. Speaker. I have a point there. I think it goes to 2017. He said 2015.

**Hon. Wayne Caines:** I apologise. [It is] the listing of Confiscated Assets Fund payments from the years 2014 to 2017.

**The Speaker:** Thank you for the clarification.

**Hon. Wayne Caines:** Thank you, kind sir.

**The Speaker:** You are quite welcome.



Thank you, Member Moniz, for bringing it to our attention, Honourable Member.

## QUESTION PERIOD

**The Speaker:** We are now at the question-and-answer period. As Members will know, we have 60 minutes for this, and we are now at 10:29, by my clock. I have questions, going in the order [of the Statements] that were presented.

Minister Brown, you have questions from the Opposition Leader.

Madam Opposition Leader, you have the floor.

### QUESTION 1: UPDATE ON INVESTIGATIONS— ALLEGED SCHEMES FOR LAND OWNERSHIP BY NON-BERMUDIANS THAT CONTRAVENE THE BERMUDA IMMIGRATION AND PROTECTION ACT 1956

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

Mr. Speaker, I just have a simple question to the Minister, and I would ask the Minister whether he has any indication that any transgressions to the 2000 Act occurred post the implementation of the Act.

**The Speaker:** Minister, would you like to respond?

**Hon. Walton Brown:** I will be happy to, Mr. Speaker.

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

**Hon. Walton Brown:** We are currently investigating other allegations. We have a list of 120 properties. And the ongoing investigation has identified some post the actual implementation of the Act.

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

Supplementaries?

No further questions of the Minister?

We now move on to . . . (sorry; my fault.)

The Deputy Speaker has indicated that he would like to ask a question of the Minister as well. Deputy Speaker, you have the floor.

### QUESTION 1: UPDATE ON INVESTIGATIONS— ALLEGED SCHEMES FOR LAND OWNERSHIP BY NON-BERMUDIANS THAT CONTRAVENE BERMUDA IMMIGRATION AND PROTECTION ACT 1956

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

Mr. Speaker, I would like to ask the Minister, what is the status of the file that had been started by Dr. Brewer in 2007 on the fronting?

**The Speaker:** Minister, do you care to respond?

**Hon. Walton Brown:** I am obliged to respond, Mr. Speaker.

**The Speaker:** Yes. Go right ahead, Minister.

**Hon. Walton Brown:** The file that was commenced by Dr. Brewer sat in the offices of the Department of Immigration. And over the last five years, when questions were presented in this House about that file, reports came back to say that there was no such file or no such file could be found. Subsequent to my assuming the position as Minister responsible, we did assess that a fairly comprehensive assessment had been initiated, and we were presented with details of the . . . I want to call it the assessment numbers—the assessment numbers of the 120 suspected cases, along with the names of either the individuals or trust companies that actually are suspected of breaching the relevant sections of the Immigration and Protection Act.

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

Are there any supplementaries? Supplementary from the Opposition Leader.

Madam Opposition Leader, you have the floor.

## SUPPLEMENTARY

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

Mr. Speaker, I would ask the Honourable Minister if he could indicate, since this file started, since this investigation by Dr. Brewer was started in 2007, and subsequent to the loss of government by the former administration, the PLP, would the Honourable Minister state or believe—does the Honourable Minister believe that the technical officers may have misled the Minister? That is scary.

**The Speaker:** Minister, you have the floor.

**Hon. Walton Brown:** Mr. Speaker, I have no doubt that the technical officers did not mislead any government. What did transpire is that, in 2007 when the legislation was passed, there was a three-year amnesty period put in place by which persons had time to comply with the law. That would take it up to 2010. And then there was a further extension for two years, because some had complied, some had attempted to comply, but there were issues with a number of those properties relating to needed legislative reform that meant that they could not comply. And the two-year period ended in 2012.

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

Are there any further supplementaries?

**Mr. W. Lawrence Scott:** Yes.

**The Speaker:** Supplementary?

I recognise the Honourable Member from constituency 24.

Mr. Lawrence Scott, you have the floor.

#### SUPPLEMENTARY

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Is the Minister saying that it is his belief that the former administration knowingly misled this House of Assembly?

**The Speaker:** Minister, would you care to respond?

**Hon. Walton Brown:** I would like to thank my honourable colleague for his question.

In life, one knows two things with certainty, so I cannot state unequivocally that anyone misled this Honourable House, Mr. Speaker. What I will say is that I do find it disconcerting that, when questions were raised in this House about the existence of a file, we were told there was no such file.

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

Are there any supplementaries?

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** The Honourable Opposition Leader. Madam Opposition Leader, you have the floor.

#### SUPPLEMENTARY

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

Mr. Speaker, I wonder if the Honourable Minister could indicate how, when he indicated that *the files could not be found* was the response that they got when they asked the question, that information could have been given to a Minister to present to this Honourable House if, in fact, the files were very readily found, according to the Minister, once he assumed office two months ago?

**The Speaker:** Minister.

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

I cannot speak for the answers that were provided to the questions I submitted. Those answers were by the Minister; I believe it was you, Honourable Member.

**The Speaker:** Any supplementaries?

You have used both of your supplementaries, Madam Opposition Leader. You are only entitled to two.

Any further supplementaries?

Supplementary, Deputy Speaker, or a new question?

**Hon. Derrick V. Burgess, Sr.:** A new question.

**The Speaker:** A new question.

#### QUESTION 2: UPDATE ON INVESTIGATIONS— ALLEGED SCHEMES FOR LAND OWNERSHIP BY NON-BERMUDIANS THAT CONTRAVENE THE BERMUDA IMMIGRATION AND PROTECTION ACT 1956

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, I would like to ask the Honourable Minister, just to say that I brought that question up in this House years ago during the tenure of the former Government. I was told the file was ready to go to the Attorney General's Chambers. Now, are you saying that the file went missing?

**The Speaker:** Minister.

**Hon. Walton Brown:** Mr. Speaker, what I am saying is that when the question was presented in this House during the last session, we were told there was no such file. When I became Minister responsible, I was duly informed by counsel investigating these matters that there was a file, that there was a detailed file, with names and assessment numbers in that file.

**The Speaker:** Any further supplementaries?

**Hon. Patricia J. Gordon-Pamplin:** Supplementary.

**The Speaker:** Supplementary to the new question?

**Hon. Patricia J. Gordon-Pamplin:** Supplementary to the new question.

**The Speaker:** I recognise the Opposition Leader.

Madam Opposition Leader, you have the floor.

#### SUPPLEMENTARIES

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

As the Minister responded that I was the one who answered the question that he put, I wonder if the Minister would be able to advise the Honourable House whether the information that he got at that time, indicating that the file could not be found, that this information did not emanate from the Minister, but rather from the technical officers providing information to the Minister?

**The Speaker:** Minister.

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

Mr. Speaker, as I assume everyone will know, any statement issued by a Minister requires the Minister to take the responsibility for that statement. And so, while one is advised by technical officers, anyone who makes a statement publicly or in this House has to stand by his or her words. And I would not want to—

*[Inaudible interjections]*

**The Speaker:** Just one voice, please.

**Hon. Walton Brown:** I would not want to pass on responsibility to technical officers, because while I believe there is high competence within the Ministry on every issue, I take responsibility for the statements I make, and I expect every other Minister or former Minister to take responsibility for their statements.

**Some Hon. Members:** That is right! Good.

*[Desk thumping]*

**The Speaker:** Supplementary?

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** Supplementary. The Opposition Leader, I will recognise you for a supplementary.

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

Mr. Speaker, I just wonder if the Honourable Minister could advise the Honourable House whether there is a possibility that such a file might have, in fact, been at the Attorney General's Chambers, hence unable to be found by the technical officers from the Immigration Department.

**The Speaker:** Minister.

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

On the Government and on the whole principle of collective responsibility, it matters not which department any file would be in. If the Minister responsible for a particular area has a question, the technical officers have the answers and know where everything is. So whether it was in the Attorney General's Chamber or anywhere else, if it falls under the Minister's responsibility, the Minister will have to bear the responsibility for all information emanating from that office.

*[Inaudible interjections]*

**The Speaker:** Thank you, Minister.  
Any further supplementaries?

I recognise the Honourable Member from constituency 22. Dr. Gibbons had risen before, so I am going to recognise you now.

### SUPPLEMENTARY

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

Mr. Speaker, I wonder if the Minister could speak to what actions were taken by the Government or the Attorney General's Chambers for those files which were not subject to the extended period from 2010 to 2012? In other words, the files for which no amnesty had been sought, and therefore would clearly have been seen to be, allegedly, in breach of the Immigration rules at the time? So, what happened between 2010 and 2012? How many cases were brought by the Attorney General's Chambers or by Government?

**The Speaker:** Minister.

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

I do not know how many cases were brought during that period. I will endeavour to find out.

What I will say is that one of the practices adopted was that the perpetrators of such actions were either required to pay massive fines to the government or actually relinquish and transfer their property back to government.

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

Deputy, a new question or a supplementary?

**Hon. Derrick V. Burgess, Sr.:** A new question, Mr. Speaker.

**The Speaker:** Hold on, Deputy. We do have someone with a supplementary.

Okay. I recognise the Honourable Member from constituency 19. The Honourable Mrs. Jeanne Atherden, you have the floor.

### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** My supplementary relates to the question with respect to collective responsibility and information that ministers get from technical officers.

I think everyone goes on the basis that the information that they get from a technical officer is what they then present to the House.

*[Inaudible interjections]*

**The Speaker:** One voice, please.

**Mrs. Jeanne J. Atherden:** My question is, Is it possible that unless the Minister queries further, the Minister accepts the information that has been given to

them as being factual and, therefore, the responsibility is based upon the response?

**The Speaker:** Minister.

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

Mr. Speaker, it is the responsibility of the Minister to query information. We need to cast a critical eye over any information provided. We do not, as Ministers, based on our oath, and those who pledge allegiance to people overseas, Mr. Speaker . . . based on our pledge and our commitment, our responsibility is to critically assess information. We are not mutes who just take information and reproduce it. Our responsibility is to query the question, cast a critical eye, come to a decision, and then take responsibility for the information we disseminate.

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

No supplementaries?

Deputy, you had a new question?

**QUESTION 3: UPDATE ON INVESTIGATIONS—  
ALLEGED SCHEMES FOR LAND OWNERSHIP BY  
NON-BERMUDIANS THAT CONTRAVENE  
THE BERMUDA IMMIGRATION AND PROTECTION  
ACT 1956**

**Hon. Derrick V. Burgess, Sr.:** Yes, Mr. Speaker.

Mr. Speaker, I would like to ask the Minister: Minister, are you aware that during the PLP's tenure as Government one house was taken and sold because of violations of the fronting?

**The Speaker:** Minister.

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

I am acutely aware of the property. I know the name of the property. It was a high-profile case. And that was in response to a very clear and explicit violation. And the agreement was entered into as a means of asset recovery to prevent a criminal action.

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

No further questions to the Minister?

We will move on to the next Statement. The next Statement is that of Minister Foggo, in regard to the post office move.

Minister Foggo, we have questions from the Honourable Member, Mr. Scott, from constituency 24.

Mr. Scott, you have the floor.

**QUESTION 1: BERMUDA POST OFFICE MAIL  
PROCESSING CENTRE RELOCATION**

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Can the Minister explain why the former Minister of Works and Engineering informed this House that the Bermuda taxpayer would not incur any addi-

tional costs when it came to the move or the airport redevelopment?

**Hon. Lovitta F. Foggo:** Thank you, Member.

I cannot speak for the former Minister of Works. But what I can say is that the evidence inside of the agreement makes it very clear what the penalties would be if we were to stay in that facility and not meet the September 30<sup>th</sup> deadline to move.

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

Any supplementaries?

Supplementary? I recognise the Honourable Member from constituency 19. The Honourable Member Jeanne Atherden, you have the floor.

**SUPPLEMENTARY**

**Mrs. Jeanne J. Atherden:** My supplementary is, at what point in time did the Ministry start to look for alternative premises?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** Thank you for that question. I can say it happened almost the minute that I took office, within the first week of my office. Knowing that we had a situation with regard to the airport and our postal facility, and the ramifications that would ensue, a meeting was called to that effect to try and ensure that we could avoid any penalties whatsoever.

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

Supplementary?

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

**The Speaker:** I recognise the Honourable Opposition Leader. The Honourable Opposition Leader, you have the floor.

**SUPPLEMENTARY**

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

Mr. Speaker, would the Minister advise whether the space in the Hamilton facility had been looked at and deemed that it may be adequate for the sorting facility to move from the airport facility into Hamilton, for the sorting of the mail?

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

*[Inaudible interjection]*

**The Speaker:** Madam Opposition Leader, I think the Minister is asking for clarification on the question. Could you just repeat your question?

**Hon. Patricia J. Gordon-Pamplin:** Yes. I was just wondering whether the Minister is aware whether the Hamilton facility, the Hamilton Post Office facility, which is now well underused, was looked at and considered for the transfer of the mail sorting facility from the airport into Hamilton to utilise as an alternative site?

**The Speaker:** Thank you for clarifying it.  
Minister.

**Hon. Lovitta F. Foggo:** Yes.

**The Speaker:** Any further supplementaries?  
Is it a supplementary, Deputy Speaker?

**Hon. Derrick V. Burgess, Sr.:** Yes, Mr. Speaker.

**The Speaker:** I will take you, Deputy, and then I will come back to you.  
Deputy, you have the floor.

#### SUPPLEMENTARY

**Hon. Derrick V. Burgess, Sr.:** Yes. Mr. Speaker, in this Honourable House of Assembly, the former Minister from the OBA Government told this Honourable House that the government will not have to pay any rent at all to Aecon or the company that is building, that they signed over to. By this Statement, it says that we can stay, but you will have to pay a \$600,000 charge. And is this correct?

**Hon. Lovitta F. Foggo:** Yes, that is correct, Member.

**The Speaker:** Minister, I am going to go back to the supplementary that the Opposition Leader raised.  
Madam Opposition Leader?

#### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** Thank you.  
My supplementary is in respect of the Minister's previous response, in which the Minister indicated that she looked for space as soon as she came on board. And she now just indicated that she called a meeting after the election. But she indicated that, yes, the space in Hamilton was looked at as an alternative. So my question is, did the Minister look into Hamilton as an alternative? Or had Hamilton, as an alternative, been considered earlier in the year?

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

**Hon. Lovitta F. Foggo:** Yes. I can say that the space in Hamilton was looked at as an alternative. And as it works out, it was not the best situation.

**The Speaker:** Thank you, Minister.  
Is this a supplementary?

**Hon. Wayne L. Furbert:** Supplementary.

**The Speaker:** Supplementary. I recognise the Honourable Member, Mr. Furbert, from constituency 6.

#### SUPPLEMENTARY

**Hon. Wayne L. Furbert:** Mr. Speaker, could the Minister inform this Honourable House [whether] the former Government knew that we had to pay additional money, but misled this House?

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

**Hon. Lovitta F. Foggo:** I cannot speak for what the former Government knew or did not know. But I can say the evidence was very clear in the contract what penalties would be incurred.

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

**Mr. N. H. Cole Simons:** Yes.

**The Speaker:** I recognise the Honourable Member from constituency 8, Mr. Cole Simons. Mr. Simons, you have the floor.

#### SUPPLEMENTARY

**Mr. N. H. Cole Simons:** This is supplemental to the Honourable Member Derrick Burgess's question.

The Statement indicates that we would pay the \$600,000 if we want to stay. The Statement says the \$600,000 would apply to a "term." Can you define what that term is?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** No, I cannot. That falls under the Ministry of Public Works.

**The Speaker:** Mrs. Atherden, do you want to do your supplementary at the moment?

We recognise the Honourable Member from constituency 19. Supplementary?

#### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** To the Minister, my supplementary relates to the fact that I asked a question

about whether alternative accommodation had been looked at prior to the election. And you have now indicated that yes, it had been.

**Hon. Lovitta F. Foggo:** Not prior to the election. Not prior to the election.

*[Crosstalk]*

**The Speaker:** Talk to the Speaker.

Talk to the Speaker. Mrs. Atherden, direct your question to me, and the Minister will respond accordingly.

**Mrs. Jeanne J. Atherden:** (Sorry.) I understood in a response to the Opposition Leader that the post office in town had been looked at. Can you say to us when the post office in town had been looked at and when it was deemed that it was not going to be suitable?

**The Speaker:** Thank you.  
Minister, would you like to respond?

**Hon. Lovitta F. Foggo:** Under my remit it would have been done after the election, obviously, in terms of this administration doing it.

**The Speaker:** Supplementary from the Member from constituency 8, Mr. Simons. You have the floor.

#### SUPPLEMENTARY

**Mr. N. H. Cole Simons:** Thank you.

I would like to go back to the Minister's response. She indicated that she did not understand what the term is. To me, that is crucial, Mr. Speaker, because if the term is 5 years, 10 years, 20 years, then the \$600,000 may be something that is economically viable. Given that we are going to pay \$30,000 per month, that translates into \$360,000 a year.

So my question is, can the Minister make an undertaking to bring back to—

**An Hon. Member:** Point of order, Mr. Speaker.

**Mr. N. H. Cole Simons:** I am not finished.

**The Speaker:** Let him finish the question.

**Mr. N. H. Cole Simons:** I am asking a question.

**The Speaker:** Let him finish his question.

**Mr. N. H. Cole Simons:** Can the Minister give us an undertaking that she would bring back the details of the term in the event that the authority agrees to pay the \$600,000 so that we can know [whether] we are getting value for money?

**Hon. Lovitta F. Foggo:** Yes.

*[Crosstalk]*

**The Speaker:** Is yours a supplementary, Member, or a new question?

**Mr. W. Lawrence Scott:** Yes, I do have a supplementary. But I did want to just clarify something. The Statement—

**The Speaker:** The Honourable Member from constituency 24 has a supplementary.

#### SUPPLEMENTARY

**Mr. W. Lawrence Scott:** Yes. The Statement says "the term," not "a term." The Honourable Member asked what was "a term." It is "the term." The term would be the term of the contract, the whole 30 years.  
But my supplementary question—

**The Speaker:** Yes. Let us hear your supplementary.

**Mr. W. Lawrence Scott:** My supplementary question is that in the Minister's Statement, it was said that the costs associated with the required move should, technically, be represented as a line item when telling the cost of the development of the new airport. Is the Minister saying that the previous Government has underquoted or has misquoted the \$250 million, meaning that the cost of the airport could rise above that because of things like this being left out?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** What I can say, in looking at the situation that now ensues, is that [this] is an extra cost to move the airport and customs facility.

**The Speaker:** Thank you.  
Any supplementaries?

*[Inaudible interjection]*

**The Speaker:** You used your two supplementaries already on that one.

*[Inaudible interjection]*

**The Speaker:** Okay. All right.

I am going to recognise the Honourable Member from constituency 19, because hers is a supplementary. Continue, Member.

#### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** Could the Minister indicate whether she is aware that the former Finance Minis-

ter, Bob Richards, had looked at the Hamilton facility as an alternative to the processing of the mail?

**Hon. Lovitta F. Foggo:** No.

**The Speaker:** Okay.  
Supplementary?

**Mr. Rolfe Commissiong:** Yes, Mr. Speaker.

**The Speaker:** We recognise the Honourable Member from constituency 21. Honourable Member Commissiong, you have the floor.

#### SUPPLEMENTARY

**Mr. Rolfe Commissiong:** Mr. Speaker, just for the sake of clarity, will the Minister respond to the proposition that the Hamilton Post Office site was examined by the relevant technical officers for the placement of that facility and it was not deemed practicable to do so?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** I can say that it was not in comparison to the final result that we decided to move to, no.

**The Speaker:** Any supplementary or new question?

**Mr. N. H. Cole Simons:** New question.

**The Speaker:** Okay.  
I am going to recognise the Honourable Member from constituency 8. The Honourable Mr. Simons, you have the floor.

#### QUESTION 1: BERMUDA POST OFFICE MAIL PROCESSING CENTRE RELOCATION

**Mr. N. H. Cole Simons:** Thank you, Mr. Speaker.  
In the event that we move ahead with the new plant of Mills Creek, can the Minister quantify the additional security costs for collecting the mail from the aircraft and delivering it to Mills Creek?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** No. And I will [give] an undertaking to see if . . . It would be dependent on how long the lease is, any lease that we enter into.

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

**Hon. Wayne L. Furbert:** Supplementary.

**The Speaker:** Supplementary or new question?

**Mrs. Renee Ming:** New question.

**The Speaker:** Supplementary over here?  
We will take the supplementary and then come back to your question.

**Hon. Wayne L. Furbert:** Thank you.

**The Speaker:** I recognise the Member from constituency 6, the Honourable Mr. Furbert.

#### SUPPLEMENTARY

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.  
Can the Honourable Minister confirm that the Honourable Member who just spoke was in Cabinet and should have known what the agreement was before he comes asking us?

*[Laughter]*

**Hon. Lovitta F. Foggo:** I cannot speak to what he should and should not know. But there is something called "collective responsibility."

*[Desk thumping]*

**The Speaker:** Okay. Now we have a new question for the Minister. The new question is from the Honourable Member from constituency 1, the Honourable Member, Mrs. Ming.

#### QUESTION 1: BERMUDA POST OFFICE MAIL PROCESSING CENTRE RELOCATION

**Mrs. Renee Ming:** Thank you, Mr. Speaker.  
I just would like clarification. I see that the Statement says that the payment, the single liquidated sum, is a \$600,000 payment. Then it speaks further in the Statement that it is subject to the Bermuda Post Office entering into a sublease with Project Co. So, does that mean that the \$600,000 would be a lump-sum payment, and then they would enter into an additional lease in place for another period?  
Thank you.

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** Yes, it does mean that.

**The Speaker:** All right. Supplementaries? No supplementaries?  
Oh, a supplementary?

**Mrs. Renee Ming:** Yes.

**The Speaker:** Supplementary from the Honourable Member from constituency 1.

**SUPPLEMENTARY**

**Mrs. Renee Ming:** Thank you, Mr. Speaker.

Madam Minister, do we have any idea what that cost for that additional sublease is, at this time? And was it already negotiated prior to our becoming the Government?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** Yes. The lease was . . . what was outlined in the contract was clear in terms of the penalty of \$600,000 and what the rental-a-month would be on a monthly basis.

**The Speaker:** Thank you.  
Supplementary or new question?

**Mrs. Jeanne J. Atherden:** I have a supplementary.

**The Speaker:** A supplementary?  
Yes, I recognise the Honourable Member from constituency 19, Mrs. Atherden.  
Honourable Member.

**SUPPLEMENTARY**

**Mrs. Jeanne J. Atherden:** I have a supplementary. And if the Minister can clarify this again, because it said the Authority will pay Project Co \$600,000 as a single liquidated sum as full compensation. And the Bermuda Post Office will be permitted to remain in its current premises for the term, without further payment or rent or occupancy cost, subject to the Bermuda Post Office entering into a sublease with Project Co.

Now, a sublease is fair enough, because you set out terms and conditions. But it does not necessarily imply that there were costs.

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** What I can say is that if we were to continue [there] after September 30<sup>th</sup>, then there would be a rental fee of \$30,000 a month.

*[Inaudible interjection]*

**Hon. Lovitta F. Foggo:** Well, I am just telling you that now.

**The Speaker:** Thank you.  
Supplementaries?  
No supplementaries?  
I recognise the Honourable Member from constituency 26. The Honourable Member Tyrrell has a question.

**QUESTION 1: BERMUDA POST OFFICE MAIL PROCESSING CENTRE RELOCATION**

**Mr. Neville S. Tyrrell:** Thank you, Mr. Speaker.

Mr. Speaker, can the Honourable Minister clarify [who are] the owners of the Mills Creek property?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** The answer to that falls under the remit of the Minister of Works. But I will undertake to get that information.

**The Speaker:** Thank you.  
Supplementary? We recognise the Honourable Member from constituency 19. The Honourable Member Jeanne Atherden has the floor.

**SUPPLEMENTARY**

**Mrs. Jeanne J. Atherden:** Supplementary.  
Minister, if you can clarify . . . I thought you indicated that if they stayed down at the airport, it was \$30,000 a month. And I thought you indicated in response to my colleague, Cole Simons, that that rent might also be \$30,000 a month. And therefore, the question then is, if the rents are equal, but you do not have to move and then you do not have to worry about security and you do not have to worry about all the other concerns that you have, would that not have made it more of an alternative to stay there?

**Hon. Lovitta F. Foggo:** No.

**The Speaker:** Thank you.  
I have no further indication from any Member that they had questions of the Minister on this matter.

We are going to move on to the next Statement. And the next Statement is that from Minister Caines, in reference to his Statement on ballistics. And we have one Member who has indicated he has a question, and that Member is the Honourable Member from constituency 24.

The Honourable Member, Mr. Scott, you have the floor.

**QUESTION 1: AN INTEGRATED BALLISTIC IDENTIFICATION SYSTEM**

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.  
Can the Minister explain or confirm if this is part of the Government's antisocial or gang violence programme or initiative?

**Hon. Wayne Caines:** Mr. Speaker, this is a part of the Bermuda Police Service making sure that they have every tool possible to do analysis for weapons. Mr. Speaker, obviously, this represents an arrow in our



quiver. And if there is a firearms-related offence, this allows [Bermuda] to (1) have universal standards; (2) to have a reservoir of information to use and a database from all over the world, which means that we have the opportunity to apprehend persons [who use] firearms and bullets in offences; and (3) it limits the cost of bringing experts to Bermuda.

So, yes. Putting all of these elements together, it aids in the swift arrest and prosecution of those who are committing gun-related crimes in Bermuda, Mr. Speaker.

**The Speaker:** Thank you.

Any supplementaries?

No supplementaries.

You can do a supplementary. You have not indicated you [have] a question for him. Would you like to do a supplementary?

**Mr. Jeff Baron:** I ask your indulgence, Mr. Speaker.

**The Speaker:** Being you are a new Member, I will indulge you for this time, Member Baron. But normally, you will come, and the procedure is that you inform the Speaker that you would like to ask a question.

**Mr. Jeff Baron:** Indeed, Mr. Speaker.

**The Speaker:** But I will, through the indulgence, go ahead with your question.

*[Inaudible interjection]*

**The Speaker:** Mr. Deputy Premier, I do not need any assistance. Thank you.

**Mr. Jeff Baron:** Thank you.

**The Speaker:** I do not need any assistance.

**Mr. Jeff Baron:** Perhaps that could have been covered in your training. Thank you.

Mr. Speaker—

**The Speaker:** Yes.

#### QUESTION 1: AN INTEGRATED BALLISTIC IDENTIFICATION SYSTEM

**Mr. Jeff Baron:** Thank you very much.

As it is a strong, normative presumption, as the Minister in December 2016 when the \$1.3 million was actually secured, you would assume, many would assume, that I would support that; and they would be right.

My question to the Minister is, since his time as Minister, has there been any collaboration or contact with the bar council regarding this initiative for, as you mention on page 2, the scope of evidential com-

parisons, which obviously widen? And I support that, and I think that is a great idea. But the fact that we are now including a whole breadth of new evidential comparisons, Mr. Speaker, I am wondering if the Minister has engaged whatsoever the defence bar council?

**The Speaker:** Thank you.

Minister.

**Hon. Wayne Caines:** Mr. Speaker, we have not engaged the Bermuda Bar Council. What is clear, we understand, this Government understands the Police and Criminal Evidence Act and the elements that it takes to bring any matter to a successful prosecution. Whenever we are looking at the ballistics and how they are used, this system is using globally recognised standards. And we have realised that it is in keeping with the Police and Criminal Evidence Act. So, in our opinion, there was no need to confer with the Bermuda Bar Association on this matter.

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

Any supplementaries?

No supplementaries. No further Members have indicated they had questions for the Minister on that matter.

However, Minister, we are going to move on to your next Statement. And there are two Members who have indicated that they had questions. I am going to recognise those Members now.

Again, Member from constituency 24, the Honourable Mr. Scott, you have the floor.

#### QUESTION 1: CYBERSECURITY CONCERNS US ALL

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Can the Minister just explain or confirm if this programme of the cybersecurity benefits the international companies?

**The Speaker:** Minister.

**Hon. Wayne Caines:** The cybersecurity programme does benefit international companies. The Cybersecurity Working Group, headed by Mr. Ronnie Viera, has elements and people from every different segment of our society. So, indeed, yes, it does consider international businesses in Bermuda.

**The Speaker:** Any supplementaries?

**Mr. Jeff Baron:** Supplementary, Mr. Speaker.

**The Speaker:** Okay. I am going to recognise the Minister Scott to continue; then I will take yours afterward.

Member Scott.

## SUPPLEMENTARY

**Mr. W. Lawrence Scott:** So, the Minister says that this benefits, obviously, the Government. It now benefits international, private businesses. But can the Minister tell us if this benefits the small entrepreneur, the small Bermudian-owned businesses, like The Hub, [Bermuda] Source, things like that, those type of businesses?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, it indeed does. A big part of the working group . . . the working group's plan is for an education component. We have highlighted that with small businesses, they have the opportunity to basic things—changing passwords, backing up their information in the cloud, looking at their service. Those are things that, whilst they might not have IT personnel that they are paying much money to, there are little things that the smaller businesses can do to protect their businesses and their organisations, Mr. Speaker.

**The Speaker:** Thank you.

We had a supplementary. The Honourable Member from constituency 25, the Honourable Member, Mr. Baron. You would like to ask your supplementary?

## SUPPLEMENTARIES

**Mr. Jeff Baron:** Thank you, Mr. Speaker, yes.

Mr. Speaker, will the Minister inform us, will there be any further engagement with our local cyber insurance underwriters? This is a new market, I would say about five years old, an emerging market in Bermuda, as you know, in insurance, cyber risk insurance. The local cyber insurance underwriters were not entirely represented for this initial and very worthy framework, and also very worthy consortium. But will the Minister be engaging with that specific set of professionals, the cybersecurity underwriters?

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

**Hon. Wayne Caines:** Mr. Speaker, the working group headed by Mr. Ronnie Viera is . . . the initiative is ongoing. We have the opportunity to meet all stakeholders. At this stage, it is coming out of the genesis and from the embryonic stage. And we will be consulting with every element of the cybersecurity community in Bermuda, Mr. Speaker.

**The Speaker:** Thank you.  
Any supplementary?

**Mr. Jeff Baron:** Second supplementary.

**The Speaker:** Supplementary. The Honourable Member from constituency 25, the Honourable Member, Mr. Baron.

**Mr. Jeff Baron:** Thank you, Mr. Speaker.

As I pull that thread regarding the original question about how this will impact both big and small, to what extent will the Minister be implementing or begging the cybersecurity information coming not from just the council, but also from these types of frameworks and consortiums into the Emergency Measures Organisation [EMO] platform and also public advisory?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, at the security forum, one of the key members was the EMO Officer for the Bermuda Government. He will be interwoven into this, every element. The parliamentary subcommittee is looking specifically at every element, which goes from looking at the cybersecurity from a government perspective and from a business perspective, and looking at the continuum that sees the EMO being integrated with this entire process, as a fulsome approach to the new cybersecurity.

Mr. Speaker, this is something that we believe is exceedingly important to Bermuda. And the plan is to look at this with the working group, and it is a work in progress. And we want to implement it not only through business, but with the EMO, and working directly through every element of the business community, through the government and with the Emergency Measures Organisation, Mr. Speaker.

**The Speaker:** Thank you.

Any supplementaries?

We have a further Member who indicated that he had a question. I will recognise the Honourable Member from constituency 22. Honourable Member Gibbons, you have the floor.

## QUESTION 1: CYBERSECURITY CONCERNS US ALL

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

In the Minister's Statement, he says that "we [all] . . . share the responsibility to ensure that we are well prepared to identify and manage cybersecurity risks wherever [they are] and whenever they appear." The Honourable Member will be aware that one of the largest issues with respect to cybersecurity breaches is the release of personal information. And the Honourable Member will also be aware, I believe, that the Personal Information Protection Act [PIPA] addresses this particular issue of the disclosure of breaches by companies in Bermuda wherever and however they may happen.

Could the Honourable Member speak to where the Government is with respect to advancing . . . the bringing into course of the PIPA legislation at this stage in order to provide some protection for the personal information of Bermudians?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, the legislation that the Member speaks of is the PIPA legislation. The PIPA legislation is being considered, and it will be with the Cabinet in the not-too-distant future.

**The Speaker:** Thank you.

Supplementary? I recognise the Honourable Member from constituency 22. The Honourable Member Gibbons, you have the floor.

### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker. Supplementary with regard to the PIPA legislation.

Could the Honourable Member or maybe one of his colleagues speak to where we are with respect to the setting up of the Privacy Commissioner's Office, which would help to advance this particular PIPA legislation?

**The Speaker:** Mr. Premier. We recognise Mr. Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. I thank the Honourable Member for his question.

As my Minister indicated, these are matters which are coming before the Cabinet shortly. And we will undertake to give an update to this House at that time.

**The Speaker:** Thank you, Mr. Premier.  
Any supplementary?

**Hon. Dr. E. Grant Gibbons:** No, Mr. Speaker. This will be another question.

**The Speaker:** Another question, your third question.

**Hon. Dr. E. Grant Gibbons:** Second question, actually.

**The Speaker:** Second question. Yes, second question.

### QUESTION 2: CYBERSECURITY CONCERNS US ALL

**Hon. Dr. E. Grant Gibbons:** Thank you. I appreciate the Honourable Member's answer on that.

Could the Honourable Minister speak to what further steps the Government is likely to take with respect to working with the National Institute of Standards and Technology (NIST) organisation?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, as said in the previous [responses], we have a working group and a subgroup. We are putting together a national strategy on cybersecurity. In the not-too-distant future we will be able to roll out each and every element and to explain to this House in fulsome with reference to the NIST, with reference to all pieces of legislation going forward, Mr. Speaker.

**The Speaker:** Supplementary?

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

**The Speaker:** Supplementary, yes.

### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Supplementary.

Would the Honourable Member be aware that, when former Permanent Secretary Bill Francis and I visited NIST to actually set up the seminar which occurred a day or so ago, at the time NIST actually offered—and they do this with other countries, as well—to provide internships which might be of use to both the government and the private sector?

**The Speaker:** Minister.

**Hon. Wayne Caines:** I was not aware of that, Mr. Speaker.

**The Speaker:** Supplementary or new question? New question?

### QUESTION 3: CYBERSECURITY CONCERNS US ALL

**Hon. Dr. E. Grant Gibbons:** New question.

I think the Honourable Member may have addressed this to some degree. But I would be interested to know what the Honourable Member's timeline is in terms of addressing not only Government's issues with respect to cybersecurity, but also critical national infrastructure, such as the hospital and BELCO and other important structures. Thank you.

**The Speaker:** Minister.

**Hon. Wayne Caines:** We understand how significant this is to the country to protect our national vital assets. The working group and the parliamentary sub-

committee, we have these things directly in front of us. We have a plan to put everything together. And whilst we cannot give a timeline, Mr. Speaker, this is a growing and important element of what we are doing. And we will endeavour to work to have a timeline to this House as soon as it is practicable.

**The Speaker:** Thank you.

Supplementary?

The last questions on Statements would be that of the Premier, the Premier's Statement in reference to the whitelist. We have one Member; the Honourable Member, the Opposition Leader, who has indicated she has a question.

Madam Opposition Leader, you have the floor.

#### **QUESTION 1: BERMUDA PLACED ON FRANCE'S "WHITELIST" FOR COUNTRY-BY-COUNTRY REPORTING**

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

Mr. Speaker, on page 2 of the Premier's Statement, he indicated that the simple reason for Bermuda's being on the whitelist is that Bermuda has satisfied the technical requirements, and he has listed the technical requirements. My question to the Premier is, when were the technical requirements identified and when did the work begin, to make sure that we were in compliance with those technical requirements?

**The Speaker:** Premier.

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

Mr. Speaker, I cannot tell the Honourable [Member] when the work began or when it was completed. But I can assure the Honourable [Member] that the work was begun before I took this office.

**The Speaker:** Supplementary?

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

**The Speaker:** Supplementary. Continue.

#### **SUPPLEMENTARY**

**Hon. Patricia J. Gordon-Pamplin:** Is the Premier saying that this work was undertaken under the previous One Bermuda Alliance administration by the former Government? Only to clarify for the record, Mr. Speaker, since there seems to be a tendency to want to write out the OBA's accomplishments from the history books.

**The Speaker:** Put your question. He will respond. Put your question.

Premier.

**Hon. E. David Burt:** Mr. Speaker, in response to the Honourable Opposition Leader's question, I think that it would be common sense. If I said that it was done prior to my taking of this office, then that would be the case. However, the reason why we are reporting to this House in the spirit of transparency is that our team was in France last week on technical-level meetings and was able to reveal this, as this is a new development. This is what we are doing here in this House. But, clearly, this is not the first time that a Minister of Finance has stood up in this House, speaking about the work that is being done. It is the same type of work that was done in our previous Progressive Labour Party Government, and it is the work that will continue.

And I do not believe that it makes any point [or] sense trying to score one-upmanship on the matters of protecting our international reputation, which I think both sides of this House have worked very well on in the past, and I expect that we will continue that collaboration in the future, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Supplementary.

Supplementary? I recognise the Honourable Member from constituency 19, Honourable . . . Member, Jeanne Atherden. (I'm stumbling over your name today, dear.)

**Mrs. Jeanne J. Atherden:** That is okay.

**The Speaker:** You have the floor.

#### **SUPPLEMENTARY**

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Obviously, like Bermuda, I am very pleased to see that we are whitelisted, because I do remember the previous Minister talking about having to protect us from being potentially blacklisted. So I know that France is one of those countries that we had to really pay special attention to. So my question is, the Finance Minister has indicated that he is going off very shortly for some other trips. And I wondered whether those trips are related to having conversations with other countries who might be thinking about (quote/unquote) "putting us on the blacklist."

And also (and I am sure that I am saying this, and he will release it and will do it), that keeping us informed of the progress that we make lets Bermuda know that we are protecting our interests, because we know that staying off the list and getting on the right side is very important to our revenues and our prosperity.

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, I thank the Honourable Shadow Minister for her question, and she is correct that when we are going to the European Union, we are going to meet with representatives from various European Union countries because we think that it is important, as the United Kingdom exits the European Union, that we have our own relationships to ensure that Bermuda's story is being told in the best possible light. So, yes, there will be a number of meetings that will take place with a number of countries. And those countries have been identified.

And what I will say is that I will continue to undertake to update this House and the country. As I said, we work very well with our international partners, specifically, the Association of Bermuda Insurers and Reinsurers and others, in not only the United States, but inside the European Union. And we will continue that engagement, as was stated inside of this Government's Throne Speech, as well. We are going to increase that engagement because it is vital. The cost in the short term will be negligible as opposed to the damage in the long term that can be inflicted upon our economy should there be any damaging listing that is done by the European Union to Bermuda.

**The Speaker:** Any supplementaries?

No supplementaries. This brings us to a close of the Question Period. And we now move on.  
Madam Clerk.

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** But before we move on, I just want to recognise that in the Gallery we have Senator Hayward.

Senator Hayward, we recognise you in our Chambers this morning.

*[Desk thumping]*

## CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** We now move on to congratulations and condolences.

I recognise the Premier.

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

Mr. Speaker, I rise to ask that this Honourable House, the entire House, send congratulations to

Bermuda's own Flora Duffy, who has represented Bermuda in stunning fashion—

*[Desk thumping]*

**Hon. E. David Burt:** —by becoming the world's top female triathlete, by winning the second-in-a-row consecutive ITU [International Triathlon Union] World Triathlon series last weekend. Ms. Duffy is a true sportswoman, and she has shown immense commitment, perseverance, and discipline in pursuit of her athletic achievements. Her pride in her homeland shines through when she competes internationally, and I am certain, Mr. Speaker, that the entire House would like to be associated with these remarks of an incredible Bermudian.

In addition, Mr. Speaker, I would like to extend congratulations to Ms. Kallie Marcus for opening up a second location of her Kinetix yoga studio, on Union Street, next week. What is important, Mr. Speaker, is that when we see Bermudian entrepreneurs investing in their community, especially in Economic Empowerment Zones [EEZ] in their country, they should be supported. And I welcome the new opening of her new facility, and look forward to actually attending a yoga class.

*[Inaudible interjection]*

**Hon. E. David Burt:** Absolutely, I am going to try. These are things I have been told to do to get fit.

On a sad note, Mr. Speaker, and we had a lot of congrats and obits last week, I want to ask that condolences be sent to the family of Mr. Kenneth George Caines, who passed away on the 15<sup>th</sup> of June 2017. There would be many who would have known Elder Caines. I had known Elder Caines since I was a very young man, at the Shiloh Gospel Chapel, where I used to attend as a young man.

**The Speaker:** Did attend?

**Hon. E. David Burt:** And he then went on to be at Cornerstone, and then New Testament [Church of God]. The one thing I would say, Mr. Speaker, is that, as I said, I had known him all my life. He had a very wonderful family, and I would like to have a letter of condolences sent to his family.

In addition, I would like to have a letter of condolences, please, sent to the family of Mr. Collins Smith, who passed away on August 11<sup>th</sup>, 2017.

**The Speaker:** I think you are associating yourself; it was done last week.

**Hon. E. David Burt:** Oh, that was done?

Oh, someone did do Collins last week?  
Thank you, because I had missed that.

**The Speaker:** No problem.

**Hon. E. David Burt:** I would like to associate myself with those condolences, Mr. Speaker. Collins was a constituent of mine, Mr. Speaker, and someone whom I got to know reasonably well. I was pleased to give a tribute at his home-going ceremony, and I wanted at least to be associated with those remarks, for the record in this House.

**The Speaker:** Sure.

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

**The Speaker:** Thank you.

Does any other Member wish to speak?

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

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

Mr. Speaker, I rise this morning to ask that congratulations be sent to Lombard Odier Trust on their 40<sup>th</sup> anniversary in Bermuda. I think Honourable Members will be aware that Lombard Odier (now Lombard Odier Darier Hentsch) is one of the oldest foreign trust companies established in Bermuda. It was actually formed in either 1976 or 1977. It was actually formed by the father, Mr. Odier, of the current Managing Partner of Lombard Odier, Patrick Odier, who is actually in Bermuda at the present time. This is a Swiss bank that goes back some seven generations of families. And the Bermuda office has been a big contributor to our trust business on-Island. And I think there are some 22 people who are currently employed there. But I would ask that congratulations be sent to the company for their faith and confidence in Bermuda, and the contribution they have made to our economy over the years. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 21. The Honourable Member Commissioning, you have the floor.

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

I would like to offer condolences to the family of Mr. Edward "Eddie" Roosevelt Arnim Minors. He passed away recently. He was a constituent of mine, a great Bermudian. He was also the significant other of Janet "Pinky" Todd. And so, the condolences are extended to her, as well.

Secondly, we have the passing of Ms. Norma Pooley, another constituent, who resided in the Elizabeth Hills senior residences up at Happy Valley. She is the mother of Cheryl Pooley, a well-known (I guess you would say) advocate, activist, a writer who opines on numerous, important topics, as you will find her

pieces and her opinions in the various newspapers over the last 15 years. And so, that was Cheryl Pooley's mother. My condolences go out to Ms. Pooley and other family members.

Mr. Speaker, very quickly, last week I was a little slow, I guess, in dealing with the congratulations. And I want to just reiterate this again, if I may, with your indulgence. I just want to congratulate Waleed Lightbourne. His story was featured in the last . . . I think about a week and a half ago or two weeks ago, as a male nurse. He has just achieved his certification.

**The Speaker:** So you are associating yourself with what was done last week?

**Mr. Rolfe Commissioning:** Yes, yes.

**The Speaker:** Well, you are associating yourself?

**Mr. Rolfe Commissioning:** I am associating myself with the comments I made last week, and the Government Whip, Mr. Michael Weeks, also. I highlight that particular because—

**The Speaker:** Well, you made the comment last week?

*[Inaudible interjection]*

**The Speaker:** Oh, okay. Well, you associate yourself with what he did.

**Mr. Rolfe Commissioning:** Okay. I am associating myself.

**The Speaker:** But if you had made it last week, I would not allow you to go back to it.

**Mr. Rolfe Commissioning:** Yes, okay.

**The Speaker:** Go ahead. Associate yourself.

**Mr. Rolfe Commissioning:** And thank you, so we can untie this knot here.

I just want to say I thought it was very important, and I am glad that the Government Whip had made mention of Mr. Lightbourne's achievements, because of the fact that, if there is one area that is going to represent growth for employment, it is going to be within the health sector. And [Waleed], I think, provides a great example for our young men to consider [nursing] as a viable professional opportunity for themselves.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 8.

The Honourable Mr. Simons, you have the floor.

**Mr. N. H. Cole Simons:** Thank you, Mr. Speaker.

Mr. Speaker, I rise this morning to commend our secondary school teachers and principals for the fine work that they have done for the graduating class of 2017. Mr. Speaker, many of those students were accepted at world-class universities such as McGill, Tisch Art School, Stamford University, Cambridge, University of London, Princeton, London School of Economics, King's College, and Johnson & Wales. Mr. Speaker, this speaks to the quality of education that we are affording our young people today.

Having said that, I would like to highlight some of the successes and the high-flyers of this year. Mr. Speaker, as far as the idea is concerned, we had about six or seven students who exceeded the mark, 40 out of 45. One student, Brianna, got a perfect 45 out of 45. Her name is Brianna Mendes. Megan Sutcliffe had 44 out of 45; Georgia Bower had 43 out of 45; Emma O'Donnell had 41 out of 45; Zach Myer got 43 out of 45; Brian Darling got 41 out of 45. Mr. Speaker, these grades, these results put these young people in the top 5 per cent around the world. And so, they should be saluted for their performance.

In addition, I want to recognise the work being done at the Berkeley Institute, and I salute Ms. Lauren Genevieve for her achievement and success. She was accepted at Tisch Art School, and that is one of the world-class art schools.

I would like to also salute Kaisha Simons, Tiara Brown, Tiara Ray, Viaire Robinson, Isaiah Todd, Tujay Trott, JeKara Tucker, Shannon Williams. They have graduated with honours at the CedarBridge, and have done exceedingly well and have been accepted at a number of world-class universities. So again, to CedarBridge, I commend you for the work that you are doing.

In addition, I would like to recognise a younger graduate. This lady is just about 16 years old, and she got 100 per cent on her GCSEs. Her name is Madison Quig. She got 11 A\*s.

**An Hon. Member:** Wow!

**Mr. N. H. Cole Simons:** Eleven A\*s, with a perfect score. So again, things are doing well. And also, I am pleased to note that private schools and the leadership of our private schools are currently working with the leadership of Bermuda's Government so that there may be some cross-fertilisation and that we can all work for the best interests of our students in Bermuda.

Thank you.

**The Speaker:** Would any other Member wish to speak?

I recognise the Honourable Member, Mr. Simmons from constituency 32. Honourable Member, you have the floor.

**Mr. Scott Simmons:** Thank you very much, and good morning, Mr. Speaker.

I wish to ask that congratulations be sent, after having attended the general PTA meeting, at Dalton E. Tucker most recently, a few days ago. They have selected a new executive team. Mr. Speaker, as we know, the work in schools is a difficult job. But they had a spirited meeting. I was surprised to see so many who had turned out, those who served prior and those who are now serving in that capacity. And I wish to recognise the newly elected President, Shayla Wade; Chairman, Ms. Kayla Thompson; Secretary, Ms. Shelvina Caines; Treasurer, Ms. Tanami Davis; and I also want to recognise Kiwana Eve, Parent Representative Chairman.

Also, I would like to ask, Mr. Speaker, on a lighter note, that there be congratulations sent to Beau Rivage's owner/operator and, of course, its master chef, Mr. Jean Claude Garzia. I had the opportunity of working with him at another hotel in the past. And he has distinguished himself and his trade. And when hoteliers and restaurateurs decide that they are going to raise the level, raise the bar and also to create a profile for their restaurants—and also in creating that profile—they create a buzz in Bermuda that is good for tourism. And so, I would like to ask that congratulations be sent. He has recently acquired what is known as probably one or two or three of the only ones in the world, which is what is known as a crustacean press. It is designed specifically to enhance the meals that you have. And I think that when a restaurateur or a chef takes the time out to do these things, it is indeed notable. I ask that he be congratulated for that.

Also, and lastly, Mr. Speaker, it is possibly a surprise, but I rise today to ask that . . . and as I observed the absence of VSB News 106.1, I recognised that they no longer exist. I may not have agreed many times with the things that were presented—I may not have, necessarily—and took umbrage on some things that were said. I do believe that there is a time when we recognise a legacy; we recognise significance in our community. And in media, I do believe Mr. Kenneth DeFontes and those who owned it may very well have distinguished themselves in our community and did a good job. And I ask that a letter of congratulations be sent to them on the completion of that tour and the completion of that presentation of that news. It will be sorely missed as it relates to information. They provided a lot. And I wish to recognise them at this time.

Thank you very much for your time.

**The Speaker:** Is there any other Member?  
I recognise the Deputy Premier.

Deputy Premier, you have the floor, Honourable Member.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I rise for a note of congratulations. Last week, a noted institution of this Island, which has been a part of the history of over the past 60 or more years, celebrated something important. They celebrated the burning of their mortgage. This is the Devonshire Recreation Club. And I just want to ensure that they are given congratulations, because that club has been a pillar for, certainly, the central community of this country, particularly for Devonshire. It is a club that has been a pioneer in many ways, with not only for its establishment, but having women involved with the club. Its current president now is a Bermudian woman. It is one of the first clubs to have women as members. Namely, the former late Dame Lois Browne-Evans was the first woman member, I believe. And it has certainly played a significant history amongst the family of the Bermuda Progressive Labour Party. And any time an institution that has been set up to empower its community reaches a great achievement, this should be noted.

I just want to also, just for a moment, mention some of the people who were pivotal in the beginning of that club and reaching its establishment, as well as this achievement, but started that road of which was completed by the current generation of clubs: Herbert George, Attride Stirling, David Emanuel Augustus, Matthew Franklin, James Wilkie, Garfield Furbert, Wilfred Livingston Furbert, Simon Degraff, Charles William Thompson. Perhaps some people in this House are relatives or descendants of these gentlemen. So I am happy to ask that we provide a congratulatory note on their behalf. A number of Members on this side—

**Some Hon. Members:** Hear, hear!

**Hon. Walter H. Roban:** Certainly all of them on this side of the House want to be associated with this great achievement.

*[Inaudible interjections]*

**Hon. Walter H. Roban:** All of the Members of the Progressive Labour Party in this House—

*[Inaudible interjections]*

**Hon. Walter H. Roban:** And perhaps it is appropriate that the whole House be associated with this, because certainly we all recognise the significance of *the Rec*, as it is known. They are a part of the family . . . and myself and the Honourable Member who is the Whip share . . . and also, I believe it is a part of the constituency of my honourable friend from constituency 14, who is not here today. I am sorry; I am sorry—the

Member, Mr. Caines, the Honourable Member. It is in his constituency, and actually is a meeting point for South—

**The Speaker:** Time is about to expire. Thank you, thank you, Deputy.

*[Timer beeps]*

**Hon. Walter H. Roban:** Thank you for that, Mr. Speaker.

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

Does any other Member?

I recognise the Leader of the Opposition. Madam Opposition Leader, you have the floor.

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

Mr. Speaker, I will associate with the comments particularly, and although he asked the whole House to be associated, it would be remiss if I did not mention that Devonshire Recreation Club was almost a home for me in the mid-1960s, as that was the home of softball and certainly where I learned a lot of my skills and ultimately was able to move on to be a member of the Big Blue Machine, which emanated from the teams that competed at Devonshire Recreation Club. So, I certainly would like to be associated with the congratulations to them.

Mr. Speaker, I would ask for three condolences to be sent. Firstly, to the family of the late Maureen Bitsy Phillips-Hart, from Chochrane Road in Sandys. Bitsy, as I can say, was probably a larger-than-life individual, absolutely fun-loving. If you knew Bitsy, you knew everything about her. She radiated just by observing her. And she passed a couple of months ago (well, mid-August). And I would like to ask that condolences be sent to her family.

In addition, over the summer, Mr. Speaker, we lost Ouida Bean. Ouida Bean was a travel agent. And when I say *the epitome of elegance for a young woman* . . . I am noticing the Honourable Member Michael Scott, and the Honourable Member Walton Brown, who are asking to be associated with these condolences. But Ouida Bean was one who was not very old. She did not manage to be with us for very, very long, but she certainly made her mark on our community.

And, Mr. Speaker, I would also ask that we send condolences to the family of Winston Eve. Anybody who knew that [maroon coloured] taxi T-1531 knew Winston Eve. He was from Vesey Street in Devonshire. He was a brother to Lucille Woolridge, Lois Burt—an absolutely fun-loving guy and a true ambassador to Bermuda in the taxi industry.

And while I associate myself with the remarks of the Premier respecting Flora Duffy, let me just say that it was with tremendous pride, Mr. Speaker, that I



watched Flora last weekend as she took the podium not once, but twice—once for being the overall champion for the world. And she only needed, Mr. Speaker, to have attained seventh place in order to be winner overall. But she won Rotterdam. So she was able to stand on the podium as the winner in Rotterdam, stand on the podium to accept the honours of being the worldwide champion for the year series, as well as the honour that will be bestowed upon her by her alma mater, Warwick Academy, who will be naming their swimming facility after Flora Duffy. Indeed, Mr. Speaker, this is a woman of whom we can all be proud of her achievements, as she has certainly put Bermuda on the map.

And as I can briefly say, Mr. Speaker, as she was being lauded by the commentators, they also mentioned Tyler Butterfield and other Bermudians. So they spoke about Bermuda as they were focusing on what Flora's accomplishments were. So we show that we are good, around the world.

**The Speaker:** Time has expired, Madam. Thank you for your comments.

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

**The Speaker:** Any other Members?

I recognise the Honourable Member from constituency 6. The Honourable Member Furbert, you have the floor.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to first of all be associated with the remarks coming from the Honourable Member Grant Gibbons, from constituency 22, in regard to Lombard Odier for their reaching another milestone. I was, as a matter of fact, one of their external auditors when they had staff of only about two people. So, I remember that very vividly, now that they have grown significantly over that period, I think it was 1976 to now.

Mr. Speaker, I would also like to bring condolence—

**An Hon. Member:** Bring condolence?

**Hon. Wayne L. Furbert:** Bring condolence. And it is not a laughing matter from the Members, but regarding the unfortunate circumstances that have happened to our brothers and sisters in the south, regarding Puerto Rico, Barbuda, the whole House—and Dominica, any other particular . . . Turks and Caicos, and the list goes on and on. But to see the devastation that has taken place down there literally brought a tear to my eyes a couple of days ago, recognising that we as a country are blessed. This speaks very much for the Bermuda High. I am talking about the Bermuda High, as far as the weather is concerned, that has

kept [many] hurricanes [from touching] us. And it is only for the (I guess I can say this in this House) only for the grace of God that we have been spared from the devastation that has taken place.

I must admit that our planning and our homes are much stronger, considering what is happening out there. But you wonder, Mr. Speaker, what is going to happen to so many people who have lost homes and lost things down there. Everything that you can spare . . . I forget the Minister, the Prime Minister in Dominica said that, *We have lost everything that money can buy! Everything that money can buy.* I mean, just in the imagination, Mr. Speaker . . . and I am hoping that we, as a country that has been so blessed, can find some way to give to those individuals, or give to those countries, in some small way. I know right now we have the Regiment down there and, I think, the police are down there. But it is going to take much more than that. So Hurricane Maria, Jose, and all the rest of them—we can send a message that, despite [the fact that you were] destroyed, we care about those individuals.

Mr. Speaker, I would also like to congratulate you, and I think it should at least be on the record, that for the first time we have a father-and-son team in this House.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** It was done last week?

**The Speaker:** Mm-hmm.

**Hon. Wayne L. Furbert:** Then I would like to be associated with those remarks.

**The Speaker:** Thank you.

**Hon. Wayne L. Furbert:** I think it is remarkable.

**The Speaker:** Time is ticking.

**Hon. Wayne L. Furbert:** How much time do I have left, Mr. Speaker?

*[Timer beeps]*

**The Speaker:** No time.

*[Laughter]*

**Hon. Wayne L. Furbert:** That it is.

**The Speaker:** No time! Thank you for your comments.

**Hon. Wayne L. Furbert:** So long! Bye-bye!

**The Speaker:** I now recognise the Member from constituency 19. Honourable Member, you have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, I would like congratulations to be sent to the organisers of the CPA Bermuda Women's [Leadership] Conference. This conference was held on September 19<sup>th</sup> at Fairmont Hamilton Princess. And I think what is so significant—I attended with lots of other women and also some men—was the fact that this talked about the importance of incorporating ethical values within the workplace. And I think this is very significant because this was based on the research of convicted white-collar felons. And it reminded everybody about not only the fact that white-collar crime takes place in businesses, but also the ongoing impact that it has in terms of the costs to the company, to the country, or whatever—but also the fact that if persons do not come forward to [corroborate] that things have happened, then it means that people get away with things.

So, the second thing that I also want to indicate is that another part of the conference was talking about incivility in the workplace. And one does not think about incivility, rudeness or discourteousness, about the fact that you are thinking all about the interactions between individuals, the social impact. But we keep forgetting that it also has importance upon business in terms of business operations. And actually, it has been able to demonstrate how incivility can harm the operations and the bottom line of companies.

Mr. Speaker, I would also like to be associated with the congratulations that have been given with respect to Flora Duffy. And I just want to say one thing. In addition to just enjoying the whole event, I was impressed with the fact that the announcers talked about the triathlon that is going to be held in Bermuda next year, and they gave us lots of play. And this, to me, is what it was all about, why next year we are going to have Bermuda even more exposed. And they talked so much about not just triathlon, but also what Bermuda has to offer.

With respect to a sad note, I would like to be associated with the condolences to the families of Bitsy Phillips-Hart and Ouida Bean. These were individuals . . . you know, you turn around and when you look at people who are younger than you, you realise that something is catching up with you.

But thank you very much, Mr. Speaker, and I would like to have those things sent.

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

I now recognise (are you on your feet?) the Honourable Member from constituency 36. Honourable Member Scott, you have the floor.

**Hon. Michael J. Scott:** Thank you, Mr. Speaker.

Mr. Speaker, could this House please send a note of congratulations to Bishop Lynn Landy and his lovely wife, Elder Laquita Landy, on the occasion of the 20<sup>th</sup> pastoral anniversary of their ministry, over in Dockyard at the Agape Faith Kingdom Ministries?

They celebrated on the 10<sup>th</sup>, and under an anointed sermon by a former police officer, Reverend Clarke A. D. Minors, "Back to Theology." We enjoyed a most stimulating and spiritual time. But Bishop Landy and his partner in life continue to move beyond the milestone, upwards into 20 years. And so, they are to be congratulated, and we want to do everything possible to continue to support their ministry.

I would like to be associated . . . I have associated myself with the condolences for Ouida, with whom I was always dear friends. She, Julian Hall, all of us used to hang out all the time.

And to Ms. Bitsy Hart, may I be associated with the condolences for that lady.

Thank you, sir.

**The Speaker:** Thank you.

Does any other?

I recognise the Honourable Member from constituency 7. The Honourable Member Richards, you have the floor.

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

Mr. Speaker, I would like congratulations to be sent to a constituent of mine, a young man, Mr. Barry Gibbons, and his organisation, the Devil's Hole Family. You know, you always hear about young people—you hear the bad news about young people in our community. This is a young man from the Devil's Hole community who took it upon himself three years ago to start a Back2 School Community Fun Day. So on Sunday, September the 3<sup>rd</sup>, the third annual event that was put on. It is for the young people in the community, but it is also a day when the whole Devil's Hole community comes together. They have swimming, they have jet ski rides. They had a banana boat out there. They played games, there was music. And the beautiful part was that, I think, about probably over 50 bags of school supplies were given away to the young people who came, at no cost. So it is a beautiful thing. And I just want to just big-up Mr. Gibbons because he took it upon himself to start this Back To School Community Fun Day.

Switching gears, I also would like to be associated with the accolades due to Flora Duffy. But I am going to divert a little bit because Mr. Patrick Singleton, of the Bermuda Broadcasting Company [BBC]. I saw him on the news earlier this week, and he was speaking about what they had to do in order to get that live broadcast of Flora Duffy repeating as champion, to Bermuda. You know, they have invested a lot of their infrastructure up there, and it was really creative to hear Patrick talk about how they had to use different feeds and . . . you know, I am not a real technical person. But a lot of this stuff was available because of the investment into their infrastructure that they made. And I just want to congratulate him and the BBC because, without that investment in their in-

frastructure, we would not have seen that broadcast live. And I just happened upon it. I was channel-surfing, and I came across this event. And I said, *What's going on here?* And it ruined my whole day because I ended up watching that. I could not stop watching it; it was an amazing event.

**The Speaker:** It enhanced your day. It did not ruin your day, did it? It enhanced your day, helped your day.

**Mr. Sylvan D. Richards, Jr.:** Yes. Yes. So it was very good.

So, I just want to congratulate BBC and Patrick Singleton for the innovations that they are doing up there in their broadcasting.

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

Does any other Member?

I recognise the Honourable Member, Minister Foggo.

Minister Foggo, you have the floor.

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to give condolences to the Burchall family for the loss of their son and brother, Julian Burchall.

I would like to likewise give condolences to the Pitcher family for the loss of a well-known cricketer and umpire, Wilbur Pitcher, whom we lost earlier this year. Mr. Pitcher— all I could say is that Mr. Pitcher, who was a well-known electrician, was much better known to all of Bermuda as—

[Timer beeps]

**The Speaker:** Oops! That is not yours.

**Hon. Lovitta F. Foggo:** —a well-trained cricketer who showed his cricket skills and acumen on the cricket pitch every time. Condolences to his family. I would like to associate the Honourable Kim Swan, as well, with these remarks.

Mr. Speaker, moving on, I would like to provide congratulatory remarks to the St. David's Primary School for, once again, their primary 6 students acquitting themselves extremely well. It was evidenced by their results in the Cambridge exams, Mr. Speaker. [Also the] St. David's junior cricket team were the winners of the eastern counties, the Junior Eastern Counties match. And congrats go out to them. The senior cricket team for St. David's is likewise deserving of congratulatory remarks for winning the Cricket League again this year. And they also won the Twenty20. So, St. David's is really putting itself on the map with—

[Inaudible interjection]

**Hon. Lovitta F. Foggo:** Not trying—demonstrating that. And with those remarks, Mr. Speaker, I will take my seat.

**The Speaker:** I hope these Bailey's Bay comments did not make you take your seat sooner.

[Laughter]

**The Speaker:** Does any other Member wish to speak?

I recognise the Honourable Member from constituency 1. The Honourable Member Ming, you have the floor.

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

**The Speaker:** Good morning.

**Mrs. Renee Ming:** I would like to take this time to extend condolences to the family of Shirley Trott, from Wellington Back Road. I am going to associate MP Swan with these comments, and also MP Foggo. Ms. Trott, known on the Wellington Back Road side, was known as "FBI." And the reason for that is because if you happened to come into that neighbourhood, we would have known. So, if any of you guys visited, she definitely would have reported to us that some sort of immigrant had visited St. George's, and we would have known about it. We would have known what you were driving and what you were wearing.

[Inaudible interjection and laughter]

**Mrs. Renee Ming:** But just to let her family know that they are in our thoughts and prayers, and that in that neighbourhood, I can tell you there is just definitely a miss. And a lot of it was because of the fact that she took to heart *having thy neighbour's back*, because she did that all the time.

I also want to say a big, hearty *Happy 80<sup>th</sup> Birthday!* to Mr. Louis Ming, PLP stalwart, BIU [Bermuda Industrial Union], you name it. If you heard his résumé and his CV from people who actually love and adore him . . . I associate the entire Progressive Labour Party with these comments. He celebrated it on Saturday. He was completely surprised, Mr. Speaker. And he is one who is still active in his community, and will probably be canvassing with me sometime this weekend. And we just want to make sure that we let him know that he is in our thoughts at this time.

And also, just a quick congratulations to the Tobacco Bay concession stand, the Beach Boys Ltd., on winning the TripExpert Experts' [Choice] Award last week sometime, just letting them know that they have got a great product. It seems to be working, and maybe we can just keep working to improve it.

And I just want to be associated with the comments for Kallie Marcus, Devonshire Recreation Club, and Mr. Wilbur Pitcher. Thank you.

**The Speaker:** Thank you.

Does any other Member . . . We recognise the Honourable Member from constituency 11. Honourable Member Famous, you have the floor.

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

Firstly, I want to give condolences to all the victims of Hurricane Maria throughout the Caribbean. As my colleague, MP Furbert, spoke, it could be us tomorrow.

I want to give congrats to Mr. Desmond Crockwell and Mr. Lynwood Richardson for putting on a community event tomorrow down in Parsons Road. They are doing a lot of work to help affect the youth. And we all should support them.

I want to give congrats to Harrington Sound Primary School for raising nearly \$1,000 for the victims of Hurricane Irma.

I want to give congrats also to the West Indian Association for organising a cruise tomorrow that is going to raise funds for hurricane relief to the Caribbean. And I want to challenge Members in the House if they can contribute to that fund as well, Mr. Speaker. Thank you.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 2, the Honourable Member, Mr. Swan.

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

Mr. Speaker, on a very sad note, I would like to be associated with the condolences to the family of Ms. Shirley Marion Trott. As the Honourable Member from St. George's, constituency 1, quite rightly said, Ms. Trott was well known to me in the community. Her sons and her husband, Dickty Trott, well known. Lawrence and all of her sons—great people in the community, Yuk Yuk's, great cricketers, Cup Match players.

*[Inaudible interjection]*

**Mr. Hubert (Kim) E. Swan:** Right. What can we say? Her entire family is from the East End, and we are deeply saddened by her passing.

Also, Mr. Speaker, Ms. Vina Outerbridge (nee Philpott), a very dear friend of mine, passed away, from Mullet Bay. But many in Bermuda will remember her from her days at Specialty Inn—a no-nonsense waitress who took pride in her work. Mr. Speaker, this lady was so proud to do her job. And one of her fondest memories was having served President Jimmy

Carter, to have received a photo with his signature and its being placed in her house. And I am sure I associate all of Bermuda, all of this House, with those remarks with regard to condolences to her family. Leon Outerbridge mourns her—Wendy and Levon and Calvin, and the late Vianne's family, and her grandson Calvin Philpott. Indeed, she will be sorely missed. She was very, very straightforward and forthcoming.

Finally, Mr. Speaker, St. George's Cricket Club are on the move! We are now First Division champions and will play in the One Premier Division next year, a sign of good things to come.

**The Speaker:** Well . . . well . . . well . . .

**Mr. Hubert (Kim) E. Swan:** To Captain Macai [Simmons] and President Neil [Paynter], as we celebrate a milestone with a ball in November, we will celebrate even more next year, 2018.

**The Speaker:** You are not associating the Member from constituency 1?

**Mr. Hubert (Kim) E. Swan:** I am associating the whole House—

**The Speaker:** Well, well, well . . . well, well. . .

**Mr. Hubert (Kim) E. Swan:** —with the message of celebration that is going to take place in 2018, in Somerset, when we come up to see you, Mr. Speaker, with jubilation as we head back home!

*[Inaudible interjections]*

**The Speaker:** Well, we welcome you. We welcome you.

*[Timer beeps]*

**The Speaker:** On that note, I just remind you your time has run out. But we welcome you next year because we know we are the club which will remain afterwards.

I recognise the Honourable Minister. Minister De Silva, you have the floor.

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

Well, Mr. Speaker, I will not comment on where I think the cup is going to stay next year. But my honourable colleague who sits beside me, you know, he is going to get some sad news when he comes to Somerset next year.

But, Mr. Speaker, I would certainly like to be associated with the condolences to the family of Eddie Minors, who passed this week. And, of course, his long-time partner, Pinky Todd, who is a good friend of mine, Mr. Speaker, and a very active person in not only the community, but she has been, as you will

know . . . she had many firsts as a female with regard to her cricket accomplishments over the years. So, my heart certainly goes out to Pinky Todd and the rest of the Minors family.

His father, Mr. Speaker, I would like say that I would claim to be the person who started the great Ludwig Cann off and running. We used to work together at SKB many years ago, Mr. Speaker. And we were up at a place that you are familiar with, Loyalty Inn. And we used to go up there on Fridays for lunch. And we had, you know, as we do, workmen, we had little trading conversations about who is the quickest runner. And that was Luddy's first race. We raced from Loyalty Inn and back down to Rio Bay. So, you know, I would like to say that I played a big part. Of course, you know Luddy went on to wow the people of Bermuda with his dress and his participation in almost every road race. So, certainly, Eddie will be missed by many in Bermuda, Mr. Speaker.

I would also like to associate my congratulations to Flora Duffy, Mr. Speaker. And that has been well documented throughout Bermuda, her talent, amazing talent and her amazing accomplishment. I would like to say to her, *Keep on keeping on!* Because not only is she an example to the triathletes in Bermuda, but I think Flora is an example to all of our other young athletes, whether they play cricket, triathlon, swimming, running, or what have you, Mr. Speaker. So I would certainly like to thank her for working so very hard to accomplish what she has accomplished. And my hope is that she inspires many, many other young athletes from across the sporting spectrum to reach the heights that she has reached.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Any other Members wish to speak?

I recognise the Member from constituency 4. Honourable Member Furbert, you have the floor.

**Mrs. Tinee Furbert:** Good morning, and thank you, Mr. Speaker.

[I am] wanting to give congratulations to our Bermuda Government Scholarship winners and, actually, all the scholarship winners who have received scholarships this upcoming school term. We all know that it is very expensive for us to attend school overseas and that any help or assistance that is available, students quite need it and appreciate it. But I would also like to specifically highlight the special needs awards that were given through the Bermuda Government this year, which have not been given before, and to give students with special needs the opportunity to be able to receive funds. I would just like to congratulate those students for their hard work in receiving those scholarships.

Also, I would just like to give a congratulatory remark to the Bermuda Alzheimer's Support Group. They had a Tea and Hat Show this past weekend,

which was well put on, in celebration of World Alzheimer's Day, which was on Thursday, September the 21<sup>st</sup>. And, as we all know, Bermuda has many seniors who you have to deal with Alzheimer's and dementia. And so, it is just great to recognise all the hard work that caregivers have to put in in having to take care of persons with Alzheimer's and dementia.

Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak on this item, condolences/congratulations? No further speakers?

We will proceed on. Madam Clerk.

## 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

### GOVERNMENT BILLS

**The Speaker:** I think we have two Government Bills. Premier, would you like to introduce the first one?

## FIRST READINGS

### TOURISM INVESTMENT ACT 2017

**Hon. E. David Burt:** Yes, Mr. Speaker.

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: the Tourism Investment Act 2017.

**The Speaker:** Thank you, Mr. Premier.

I believe there is a second [Bill]. Minister Wilson, would you like to have the floor?

### PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2017

**Hon. Kim N. Wilson:** Yes, thank you, 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 Proceeds of Crime Amendment (No. 3) Act 2017.

**The Speaker:** Thank you.

## OPPOSITION BILLS

**The Speaker:** There are none.

## PRIVATE MEMBERS' BILLS

**The Speaker:** There are none.

## NOTICES OF MOTIONS

**The Speaker:** There are none.

## ORDERS OF THE DAY

**The Speaker:** Orders of the day. I understand that Order No. 1 will be taken up.

**An Hon. Member:** Yes.

**The Speaker:** Minister of Finance, would you like to lead off?

**Hon. E. David Burt:** Good morning again, Mr. Speaker, or I think we are moving to the afternoon.

I move that the Bill entitled the Companies Amendment (No. 2) Act 2017 be now read the second time.

**The Speaker:** Approved.

## BILL

### SECOND READING

#### COMPANIES AMENDMENT (NO. 2) ACT 2017

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

Mr. Speaker, the Bill before the House is the Companies Amendment (No. 2) Act 2017. The objective of this Bill is to make a retrospective amendment to the Fifth Schedule to the Companies Act 1981 (“the principal Act”) to limit the categories of permit companies which will be liable to pay the annual fee of \$25,000 under section 135 of that Act. The fee was increased from \$1,995 by the Companies Amendment Act 2017 with effect from 1<sup>st</sup> of April 2017 for certain permit companies—specifically, those without a physical presence in Bermuda.

Mr. Speaker, Honourable Members are advised that, since the enactment of the Companies Act 2017, there has been further consultation between the Government and the Bermuda Bar. Following this

consultation, the Ministry of Finance consented to further limit the categories of permanent companies which will be liable to pay the annual fee of \$25,000 under the Act.

To address this matter, the Companies Amendment (No. 2) Act 2017, which was previously tabled in May 2017, makes an amendment, retrospective to the 1<sup>st</sup> of April, to the Fifth Schedule of the Companies Act 1981, to limit the categories of permanent companies which would be liable to pay the annual fee of \$25,000 under the Act. Along with permit companies [with] a physical presence, it is proposed to exclude permit companies whose principal business falls within one of the following categories: the ownership, commercial management, or operation of ships or aircraft; pharmaceutical operation; research and development in bioscience or biomedicine; or a charitable purpose within the meaning of the Charities Act 2014.

Honourable Members will recall that the Companies Amendment Act 2017 was enacted to provide a defence against reputational risk from the tax haven debate, and its proposed amendment still meets that policy objective.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Shadow Minister for Finance. The Honourable Member from constituency 19, Honourable Jeanne Atherden, you have the floor.

**Mrs. Jeanne J. Atherden:** Mr. Speaker, and, obviously, Members of the House and the listening audience understand the need to have this Bill. And as the Finance Minister and Premier has indicated, this Bill was in train. And I think it is important for us to recognise that sometimes when you try to do things, you have to tweak it to make sure that you do not have those unintended consequences. So, I think the mere fact that we have turned and carved out, or added those persons who have the physical presence on the Island to make sure that they are not going to be subjected to this higher tax is a combination of recognition that they do provide further benefits to the country by having the physical presence.

And also, with respect to putting the other companies in here with respect to the pharmaceutical operations, the bioscience and biomedicine, and the charitable purposes, it is a recognition that one wants, on the one hand, to encourage certain types of companies, and on the other hand, one would not like to penalise them. So, we obviously support this and look forward to passing it through Committee.

**The Speaker:** Does any other Member wish to speak to this matter?

No other Member.

Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. I thank the Shadow Minister for her comments. And, of course, the Shadow Minister will know, and which will be the policy, is that we have shared the briefs with her in advance to make sure that any questions that she may have we can, hopefully, address them before we get to the floor.

So with that, Mr. Speaker, I move that the Bill be now committed.

**The Speaker:** The Bill will now be committed.  
Deputy.

### House in Committee at 12:04 pm

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

## COMMITTEE ON BILL

### COMPANIES AMENDMENT (NO. 2) ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled the [Companies Amendment \(No. 2\) Act 2017](#).

I call on the Minister in charge to proceed.  
Minister, you have the floor.

**Hon. E. David Burt:** Thank you, Mr. Chairman.  
Mr. Chairman, I would like to move all the clauses, if I may.

**The Chairman:** Yes, you may.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, clause 1 is self-explanatory.  
Clause 2(1) replaces Part II, paragraph 1B(d) of the Fifth Schedule to the principal Act with new sub-paragraphs (d) and (e). A company not falling within sub-paragraphs (a) to (c), but falling within new sub-paragraph (d) will continue to be liable to pay the fee of \$1,995 if it has a physical presence in Bermuda or if its principal business falls within one of the specified categories. New sub-paragraph (e) re-enacts the increase to the annual fee payable by other permit companies, which was in sub-paragraph (d)(ii) inserted by the Companies Amendment Act 2017.

Clause 2(2) inserts a definition of “physical presence” (which follows section 129(1AA) of the principal Act), and defines the specified categories of businesses for the purposes of Part II, paragraph 1B(d)(ii) of the Fifth Schedule.

And clause 3 deems the provision to have come into operation on the 1<sup>st</sup> of April 2017.

**The Chairman:** Any further speakers?  
No further speakers.

**Hon. E. David Burt:** Thank you, Mr. Chairman.

I move then that clauses 1 through 3 be moved and stand part of the Bill.

**The Chairman:** It has been moved that clauses 1 through 3 be approved. Is there any objection to that motion?

No objection.

Agreed to.

*[Gavel]*

*[Motion carried: Clauses 1 through 3 passed.]*

**Hon. E. David Burt:** Thank you very much, Mr. [Chairman].

I move that the Preamble be added to the Bill.

**The Chairman:** Yes, go ahead.

**The Clerk:** It has been mentioned that the Preamble be approved. Are there any objections?

**The Chairman:** No objections.

**Hon. E. David Burt:** Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** The Bill has now been approved. The Bill will be reported to the House as printed.

*[Motion carried: The Companies Amendment (No. 2) Act 2017 was considered by a Committee of the whole House and passed without amendment.]*

### House resumed at 12:07 pm

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

## REPORT OF COMMITTEE

### COMPANIES AMENDMENT (NO. 2) ACT 2017

**The Speaker:** Mr. Premier.

*[The Companies Amendment (No. 2) Act 2017 was passed without amendment.]*

**Hon. E. David Burt:** Good afternoon, Mr. Speaker.

Mr. Speaker, I assume we are on Order No. 2? Moving right ahead.

Thank you, Mr. Speaker.

## BILL

## SECOND READING

**PAYROLL TAX AMENDMENT (NO. 3) ACT 2017**

**Hon. E. David Burt:** Mr. Speaker, the Bill before the House is the Payroll Tax Amendment (No. 3) Act 2017, which is an updated version of the Payroll Tax Amendment (No. 2) Act tabled in May 2017 by the former Government.

The purpose of this Bill is to clarify the definition of remuneration taxable to the employer and employee portions of the payroll taxes introduced by the reform detailed in the Payroll Tax Amendment Act 2017. The Bill seeks to repeal the definition of “gross earnings,” including the definition of “deemed gross earnings,” and removes those expressions from the Payroll Tax Act 1995 and the Payroll Tax Rates Act 1995.

Mr. Speaker, this second amendment is necessary to ensure that the definition of “remuneration,” which is taxable to both the employer and the employee portions is the same, with the exception being shared benefits that cannot be easily attributed to an individual employee. Those shared benefits are only taxable to the employer under the new structure.

The amendment will also simplify the administration of the new payroll tax structure and will mitigate the possibility that some employers may look to modify their compensation structures to reduce their tax burden. This was not the intent of the reforms, and therefore, Mr. Speaker, the second amendment ensures consistency of application and protection of government tax revenues.

With those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled the Payroll Tax Amendment (No. 3) Act 2017.

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

Does any other Member wish to speak to that?

I recognise the Shadow Minister of Finance. The Honourable Member, Mrs. Atherden, you have the floor.

**Mrs. Jeanne J. Atherden:** Mr. Speaker, as the Premier and Finance Minister indicated, these changes are necessary so that we can make sure that unintended consequences do not result. Because I think that everybody . . . the intention was to make sure that payroll tax would increase the revenues to the government, but at the same time, in the spirit of ensuring that where employees had had the benefit of employers taking their fair share of the payroll tax burden, that we did not have people turning around and, because there was a loophole, transferring the burden.

Now, I must admit one always goes on the basis that one believes that employers and employees come up with something that becomes a fair benefit, because I know that there are lots of employers out there that take on more of the burden, if you will, for the tax, the payroll tax. Some of them divide it equally;

some others take more of it. And when you start adding what I call remuneration items that will form part of the payroll, sometimes there is a tendency for one to, if you will, move the equation the way that it is not quite so heavy.

But I do believe that this results in something which is fair, and therefore the changes that are here make sure that there is no misunderstanding of what is included in the calculation, which is very important because we do not want to end up having lots of detailed calculations and people having to turn around and have lots of misunderstanding. It is already sufficient that people are trying to figure out, right now, how to go through and determine how much they are going to pay and what is going to happen with respect to the various levels of payroll tax as it goes up. So, to be able to simplify this I think is very important. And as the Finance Minister said, the previous Government, we were aware and had started on the path of making these changes. And therefore, we appreciate the fact that we must make sure that the revenues that Bermuda needs to have to meet that balanced budget that the previous Finance Minister contemplated for 2017/18 continues.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

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

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

Mr. Speaker, we have been speaking very conceptually here in the last couple of speakers. And I wonder, because I suspect the listening audience probably has no idea what a shared benefit would be or what the mischief is that these amendments are trying to address. Could the Honourable Premier give us an example, perhaps, of a shared benefit that perhaps there was some ambiguity before as being split between the employer and the employee, but which will now only be addressed or is only taxable to the employer. And perhaps maybe an example of another issue where employers were reorienting their tax so we have, I think, shall we say, a more concrete example of what is entailed here?

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Would any other Member wish to speak?

No other Member.

Mr. Premier, would you like to reply?

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. I thank the Honourable Members for their comments on the Bill. And I move that the Bill be now committed.



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

**House in Committee at 12:13 pm**

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

## COMMITTEE ON BILL

### PAYROLL TAX AMENDMENT (NO. 3) ACT 2017

**The Chairman:** Honourable Members, we are now in the Committee of the whole [House] for further consideration of the Bill entitled the [Payroll Tax Amendment \(No. 3\) Act 2017](#).

I call on the Minister in charge to proceed.  
Minister, you have the floor.

**Hon. E. David Burt:** Thank you, Mr. Chairman.  
Mr. Chairman, I would like to move clauses 1 through 5.

**The Chairman:** The Minister would like to move clauses 1 through 5. Any objections?  
There are no objections.  
Carry on, Minister.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, clause 1 is self-explanatory.

Clause 2 repeals the definition of “gross earnings” in section 2 of the principal Act, including the definition of “deemed gross earnings,” as those expressions will no longer be used in the principal Act.

Clause 3 deletes “gross earnings” in every place in which those words occur in the principal Act and the Payroll Tax Rates Act 1995, and substitutes “remuneration.” This also has the effect of substituting “deemed remuneration” for “deemed gross earnings.”

Clause 4 streamlines section 11 of the principal Act in consequence of the change to deemed remuneration.

Clause 5 provides for commencement retrospective (or retroactive) to the 1<sup>st</sup> of July 2017.

**The Chairman:** Any further speakers?

**Mrs. Jeanne J. Atherden:** Bearing in mind, as we go through these clauses, there is the definition of “gross earnings” as opposed to . . . definition of “remuneration” as opposed to “gross earnings.” Would it be possible for the Finance Minister to clarify what type of things would now be deemed to be remuneration that people might have confused when they were now talking about gross earnings?

**Hon. E. David Burt:** Thank you very much.  
I think a very good example in this particular instance would be housing allowance and other things

such as that. So, if a company had previously provided, for instance . . .

(Sorry, Mr. Chairman. I should be addressing you.)

Mr. Chairman, if a company, for example, under the previous system had provided a housing allowance to somebody, that rent would have been taxable. And that would have been included as taxable. But in the split, they could have just basically shifted it so it would not be on the employer side and it would be on the employee side. And in that case, they could shift it and then it would not be taxable.

So this is just making sure that all types of benefits which are provided by employers are taxed.

**The Chairman:** Any further speakers?

It has been moved that clauses 1 through 5 be approved. Are there any objections to that motion?

No objections.  
Agreed to.

*[Motion carried: Clauses 1 through 5 passed.]*

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, I move the Preamble to stand as part of the Bill.

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

Are there any objections to that motion?  
No objections.  
Agreed to.

**Hon. E. David Burt:** Thank you very much, 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 motion?  
No objections.  
Agreed to. The Bill will be reported to the House as printed.

*[Motion carried: The Payroll Tax Amendment (No. 3) Act 2017 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 12:16 pm**

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

## REPORT OF COMMITTEE

### PAYROLL TAX AMENDMENT (NO. 3) ACT 2017

**The Speaker:** Item No. 2 has been reported back to the House.

We are now moving on to Item No. 3.  
Mr. Premier.

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

Mr. Speaker and Honourable Members of this House, I introduce the Bill entitled the USA–Bermuda Tax Convention Amendment (No. 3) Act 2017.

**The Speaker:** Continue on.

## BILL

### SECOND READING

#### USA–BERMUDA TAX CONVENTION AMENDMENT (NO. 3) ACT 2017

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

The objective of this Bill is to amend the U.S.A.–Bermuda Tax Convention Act 1986 (“the Act”) in order to address certain matters relating to Bermuda’s tax information exchange regime, including to amend the regulations making provision for the U.S.A.–Bermuda Tax Convention Act 1986.

Mr. Speaker, this Bill has the same objective with respect to the need to proactively make provision for regulations for a USA–Bermuda OECD-style country-by-country [CbC] reporting regime for automatic exchange of information, similar to regulations recently issued under the International Cooperation (Tax Information Exchange Agreements) Act 2005. The Bill, therefore, amends the Act to provide for a framework within which such regulations may be made.

Mr. Speaker, because of the numerous international threats to Bermuda’s financial service regimes, and including threats to Bermuda in the area of international cooperation for tax purposes, the Ministry has placed increased importance on the Minister’s power to quickly make or revise regulations as one of the ways to address such threats.

Honourable Members are advised that the provision for making regulations under the U.S.A.–Bermuda Tax Convention Act 1986 was created in 1986 and is subject to the affirmative resolution procedure.

The first regulations were made in 1996 *[sic]*, occurring at a time when the need for quickly adjusting regulations to address international threats, in particular from the USA, was not as pronounced as it is today.

Mr. Speaker, the International Cooperation (Tax Information Exchange Agreements) Act 2005 already applies the negative resolution procedure to regulations made under that Act, and it is now proposed to amend the Act’s regulation, making provision from that of the affirmative resolution procedure to that

of the negative resolution procedure in order that the Minister can swiftly enact any changes required.

Finally, it is also proposed to amend the Act to provide that a contravention or failure to comply with the terms and conditions of an arrangement for the automatic exchange of information under the Act may be subject to a civil penalty, as prescribed by regulations.

With those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled the USA–Bermuda Tax Convention Amendment (No. 3) Act 2017, and welcome comments from any Members on this Bill.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** Thank you, Mr. Premier.

Before I ask any Member to comment, I would just like to recognise in our Chambers this morning the former Premier, Dame Jennifer [Smith].

*[Desk thumping]*

**The Speaker:** Thank you for visiting us this morning—this afternoon, I should say.

Now, would any other Member wish to speak?

I recognise the Shadow Minister for Finance, the Member from constituency 19. Honourable Member Atherden, you have the floor.

*[USA–Bermuda Tax Convention Amendment (No. 3) Act 2017 second reading debate continuing.]*

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, under normal circumstances, one would worry when you change something from an affirmative to a negative resolution. But I think we all recognise that with respect to the TIEAs [tax information exchange agreements] and the information, everything is changing so quickly as it relates to the need to be on the right side of this. I think, if everybody understands that, between now and next year, we are going to be subject to some very serious scrutiny and have to make sure that the things that we put in place are actually not only out there in terms of something that exists, but also that there is robust—there is robust practicing.

And so I understand, and I think all of us understand, the need to make these changes. I think that we are appreciative of getting information about what is being changed. I think with respect to the second part of the amendment, which is talking about providing the penalties, it is very important for everybody to understand that these things are going to occur. Because, if nothing else, going forward, Bermuda has to understand that these regulations, these TIEAs, all of these things are important to the type of

negotiations and the type of discussions that the Finance Minister will have to have with the countries abroad to talk about—*What is Bermuda doing?* And we have to be seen to be doing these things, not thinking about doing them. We have to actually have them in place so that when we are subject to review, we will be able to say, *This is the case.*

And I do think it is very important, as the Finance Minister indicated, the fact that we are making sure that provisions that we have in our regulations mirror, or are very close to, what is being used abroad. And I think we will see, going forward, when we discuss other Bills, other types of legislation, that there will be the need to make lots of changes just to make sure that we are on the right side.

So, we obviously understand and support this. And I guess we have to put ourselves on notice that there are going to be more to come if Bermuda is going to make sure that it is able to have these TIEAs and get as much sign-off as we can, and to keep our structure nimble. And, therefore, we understand that this is necessary. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

We recognise the Member from constituency 22. The Honourable Member Gibbons, you have the floor.

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

Mr. Speaker, just by way of a fairly brief comment here, it is interesting how this area has evolved. I can recall that when I was Minister of Finance in the mid-1990s, the issue at that particular time was trying to protect Bermudian companies and exempt companies against fishing expeditions by the Internal Revenue Service. And the emphasis at that point was essentially trying to protect our companies, whether they be exempt or sort of local on-Island, from, should we say, an over-inquisitiveness by the IRS.

Obviously, things have changed dramatically. And I think Bermuda's reputation, to some degree now, is dependent on making sure that there are quick responses to requests by, in this particular case, the United States Government Treasury, or IRS, or whomever, as opposed to seeing whether they could be delayed. In those days, I think we probably got under half-a-dozen requests a year. And they tended to take quite a long time to resolve.

I think the issue here and the mischief that this is trying to address, as both speakers have said, is that I would say in the last couple of years, the former Minister of Finance found himself in a situation where, while the request was made, the information did not come terribly readily. And as a consequence, it was, from the US perspective or perhaps some other jurisdiction's perspective, a problem for the Government and our reputation, not an issue between the Minister and the company in question.

So, I think what we are trying to do here is to make sure that the Minister gets the information quickly by putting in place sanctions and also regulations so that these issues can be addressed in a timely way so that the information that is requested, assuming it is appropriate, can be provided to the appropriate overseas jurisdictions. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

Mr. Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. And I thank the Members for their comments on this Bill, which will assist the members of the public we serve to maybe have some more insight, and, of course, other Members, into where we are moving in this area.

So, Mr. Speaker, I move that the Bill be now committed.

**The Speaker:** Deputy.

**House in Committee at 12:26 pm**

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

## COMMITTEE ON BILL

### USA–BERMUDA TAX CONVENTION AMENDMENT (NO. 3) ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole for further consideration of the Bill entitled [USA–Bermuda Tax Convention Amendment \(No. 3\) Act 2017](#).

I call on the Minister in charge to proceed. Minister, you have the floor.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, I move that we move clauses 1 through 4.

**The Chairman:** It has been moved that clauses 1 through 4 be approved.

Are there any objections?

There are none.

**Hon. E. David Burt:** All right. Thank you very much, Mr. Chairman.

Mr. Chairman, clause 1 provides the citation for the Bill.

Clause 2 amends section 4A of the Act to provide that a contravention or failure to comply with the terms and conditions of an arrangement for the automatic exchange of information may be subject to a civil penalty as prescribed.

Clause 3 amends section 13 of the Act to provide for the making of regulations in relation to the automatic exchange of information. Provision is also made to enable regulations made under the Act to be made subject to the negative resolution procedure.

Clause 4 provides for the commencement of the Bill.

**The Chairman:** Any further speakers?

There appear to be none.

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. I move that clauses 1 through 4 be approved as part of the Bill.

**The Chairman:** It has been moved that clauses 1 through 4 be approved.

Are there any objections to that motion?

No objections.

Agreed to.

*[Motion carried: Clauses 1 through 4 passed.]*

**Hon. E. David Burt:** Thank you very much.

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 motion?

No objections.

Agreed to.

**Hon. E. David Burt:** Thank you, Mr. Chairman.

Mr. Chairman, I move 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 motion?

No objections.

Agreed to. The Bill will be reported to the House as printed.

*[Gavel]*

*[Motion carried: The USA–Bermuda Tax Convention Amendment (No. 3) Act 2017 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 12:28 pm**

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

## REPORT OF COMMITTEE

## USA–BERMUDA TAX CONVENTION AMENDMENT (NO. 3) ACT 2017

**The Speaker:** Are there any objections to the [Act] being reported to the House?

No objections.

The [Act] is reported.

Mr. Premier, it is just about that time. Would you like to take the floor at this moment?

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. Mr. Speaker, I move that the House do now rise for lunch.

**The Speaker:** The House now stands adjourned until 2:00 pm.

*[Gavel]*

**Proceedings suspended at 12:28 pm**

**Proceedings resumed at 2:00 pm**

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

## BILL

### SECOND READING

#### PROCEEDS OF CRIME AMENDMENT (NO. 2) ACT 2017

**Hon. Kim N. Wilson:** [Microphone off] Proceeds of Crime Amendment (No. 2) Act 2017; the Bill to address matters pertinent to Bermuda's compliance with international standards.

The Bill amends the Proceeds of Crime Act 1997, the Financial Intelligence Agency Act 2007, and the Chartered Professional Accountants of Bermuda Act 1973.

Mr. Speaker, as part of its ongoing efforts to enhance Bermuda's compliance with international standards, the National Anti-Money Laundering Committee has examined the manner in which Bermuda's legislative framework incorporates tax crimes into the predicates for money laundering. It was noted that the predicate offences proscribed in the Proceeds of Crime Act 1997 do not capture the range of tax crimes that are intended by the Financial Action Taskforce (FATF) as a means of supporting the global initiative to prevent both domestic and cross-border money laundering activity originating from tax crimes.

Mr. Speaker, the FATF standards require jurisdictions to criminalise money laundering in such a way that the offences that are specified as giving rise to money laundering (namely, the predicates) should include the widest range of offences including tax crimes. The FATF also requires that countries should extend the predicates to criminal conduct that occurs

in another country. By so doing money laundering from predicate crimes that occur in another country should not cease to be characterised as money laundering the moment the laundered proceeds enter the domestic financial system. While Bermuda's Anti-Money Laundering/Terrorist Financing legislative framework appropriately addresses the majority of offences designated by the FATF as predicates, this is not the case with tax crimes.

Mr. Speaker, criminal tax evasion under the Taxes Management Act 1976 is by implication already included in the Proceeds of Crime Act 1997. It is one of Bermuda's predicates for money laundering, for conduct which occurs both in Bermuda and overseas. However, this predicate only relates to the tax types that match the categories of tax that currently exist within Bermuda. Therefore, as the law is presently, criminal tax evasion as a predicate for money laundering excludes income or profit-based taxes that exist within the vast majority of countries outside of Bermuda.

Mr. Speaker, this will be perceived by a peer examiner as a significant gap in Bermuda's money laundering regime as it excludes the forms of tax that globally are, most often, the source of tax-based money laundering. Therefore, these amendments seek to ensure better compliance with the technical requirements of the FATF's international standards in combating money laundering and financing of terrorism and proliferation. They will ensure that the use of Bermuda's financial systems to store, move, or obscure the proceeds of a wide range of foreign tax crimes will be classified as money laundering under Bermuda law.

Mr. Speaker, the FATF also requires jurisdictions to ensure that the various national authorities and bodies that comprise the AML/ATF regime have effective domestic mechanisms in place to enable them to cooperate and coordinate at both policy making and operational levels for AML/ATF purposes. This requirement is also intended to relate to self-regulating bodies insofar as they carry out AML/ATF functions within the jurisdiction. At present the Financial Intelligence Agency is not authorised by its legislation to share intelligence with the Barristers and Accountants AML/ATF Board to enhance their ability to effectively discharge their functions as the AML/ATF supervisory authority for lawyers and accountants. Therefore, this amendment also seeks to close that gap and expressly authorise the Financial Intelligence Agency to cooperate with the Board for the purposes of enhancing the effectiveness of Bermuda's AML/ATF framework.

Mr. Speaker, the Barristers and Accountants AML/ATF Board is part of Bermuda's AML/ATF framework and is jointly established under the auspices of the Bermuda Bar Association and CPA Bermuda for the purposes of carrying out AML/ATF supervision of lawyers and accountants. The members of the

Board are, therefore, jointly selected by both name-sake professional bodies in accordance with the eligibility requirements prescribed in the respective legislation.

Mr. Speaker, under section 8B of the Chartered Professional Accountants of Bermuda Act 1973 the Chairman of the Board must be appointed from persons who have at least 10 years' experience in the practice of either public accounting or law. Other members of the Board must have at least five years of such experience. However, under that provision, partners in a regulated professional accounting or law firm are disqualified from membership to this Board. Consequently CPA Bermuda has been experiencing difficulty in identifying eligible candidates from within the accounting profession to be appointed to chair the Board. Accountants with 10 years public accounting experience are usually disqualified from appointment due to their partnership in regulated professional firms. This amendment, therefore, also removes the public accounting stipulation for the Chair and members of the Board, thereby widening the field to include persons with 10 to 5 years accounting experience, respectively, outside of public accounting.

Correspondingly, Mr. Speaker, these amendments will:

1. Amend the definition of relevant offences in section 2 of the Proceeds of Crime Act 1997 to include conduct which would constitute an offence of criminal tax evasion under section 37(2) of the Taxes Management Act 1976 if it had occurred in Bermuda, while (for those purposes only) disapplying the limitation of the categories of tax stipulated in section 2 of that Act;
2. Amend the Financial Intelligence Agency Act 2007 to authorise the Financial Intelligence Agency to make disclosures to the supervisory authority in Bermuda that is responsible for supervising regulated professional accounting and law firms for anti-money laundering and anti-terrorist financing purposes; and
3. Amend the Chartered Professional Accountants of Bermuda Act 1973 to remove the public accounting element of the eligibility requirements for accountants who can be appointed to serve as chairman or a member of the Barristers and Accountants AML/ATF Board.

Mr. Speaker, this Bill is pertinent to Bermuda's compliance with international standards and the enhancement of cooperation and coordination between relevant AML/ATF authorities. Bermuda remains committed to working to achieve full compliance with the international standards. Thank you, Mr. Speaker.

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

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITORS

**The Speaker:** Before I acknowledge the next speaker, I would just like to recognise in the Gallery one of our former Members, the Honourable Member Mr. Walter Lister. Thank you for stopping in and watching our proceedings today.

And also as I look in the Gallery I also see the former President of the Bermuda Seventh Day Adventist Conference, Pastor Carlyle Simmons. I would just like to acknowledge you here today.

Thank you.

*[Proceeds of Crime Amendment (No. 2) Act 2017, second reading debate continuing.]*

**The Speaker:** Honourable Member Mr. Trevor Moniz from constituency 9, you have the floor.

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

At least you refrained from saying *Uncle Walter* when you recognised that former Member.

**The Speaker:** It is all formal in this House.

**Hon. Trevor G. Moniz:** Yes, I speak on this side of the House on this Bill and the Honourable Minister of Health on that side speaks on legal affairs, I gather, in the House for the Minister of Legal Affairs and Attorney General.

This, I think, is a measure that was well in train under the previous Government, and I see we have another one tabled this morning—the POCA—the Proceeds of Crime Amendment (No. 3) Act. So these are constantly coming along, although on the face of it in some cases they changed commas and perhaps a single word, they do perform important things to enable us to meet our international requirements with regard to money laundering, the AML/ATF requirements.

And the first one has to do with enforcing tax offences from overseas in Bermuda and tax offences which have no parallel in Bermuda. For example, we do not have income tax here, so previously the wording was limited to taxes which have a parallel in Bermuda and it was realised that certain taxes have no parallel here. As a matter of fact, they are the big taxes abroad which probably formulate the basis of most tax offences. So that is an extremely important amendment that we are making in clause 2 with respect to section 3 of the Proceeds of Crime Act 1997.

The second one refers to the agencies, such as the Financial Intelligence Agency, the amendment to [section] 18(1) and those, also, are important that the different agencies be allowed to communicate with each other.

Now, I have not had the benefit of a brief. Invariably when I was on that side I shared the brief with my opposite Member. I assume, Mr. Speaker, that that practice will continue. This Act is a short one, but it would be appreciated if that practice would continue. It helps to focus debate so you do not get unfortunate misunderstandings across the aisle.

The last one that we are dealing with deals with the broad amendment to the Board for the Bar and the Accountants. Now, I presume that the Minister who speaks in this House was employed within the Bar Association, I presume she has now stepped down from that and does not have anything to declare in the House with respect to having an interest.

**Hon. Kim N. Wilson:** Point of information, Mr. Speaker.

**The Speaker:** I recognise the Minister.

### POINT OF CLARIFICATION

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

In answer to that Honourable Member's question with respect to the position, it is not actually something that needs to be declared because it does not exist in conflict. However, it is a matter of record, Mr. Speaker. I am employed by the Barristers and Accountants AML/ATF Board in the capacity, on a part-time basis, as a supervisor to that Board.

**The Speaker:** Thank you for that response, Minister. You can continue.

**Hon. Trevor G. Moniz:** Yes, thank you. I thought it was appropriate and true to have that put on the record. We would not want any accusations after the fact that we were not fully transparent on the floor of this House.

I think that the amendment there is a sensible one. We struggled with that while I was the Minister, and the Board were seeking broader leeway and having difficulty getting people to come on board. I think at the end of the day that is a sensible change to make. So suffice it to say we on our side are in support of the Bill.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

No other Honourable Member?

Minister, would you like to continue.

**Hon. Kim N. Wilson:** Yes, thank you, Mr. Speaker.

Mr. Speaker, with respect to the issue concerning the shared brief, I myself just received the brief last evening. But I anticipate that the Honourable and Learned Attorney General who has responsibility

for this in another place will ensure that this practice continues.

Mr. Speaker, on that note I do now move that the Bill be committed.

**The Speaker:** Thank you.

### House in Committee at 2:13 pm

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

## COMMITTEE ON BILL

### PROCEEDS OF CRIME AMENDMENT (NO. 2) ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole [House] for further consideration of the Bill entitled [Proceeds of Crime Amendment \(No. 2\) Act 2017](#). I call on the Minister in charge to proceed.

Minister, you have the floor.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
Mr. Chairman, I move clauses 1 through 4.

**The Chairman:** It has been moved that clauses 1 through 4 be approved.

Is there any objection to that motion?  
No objections. Agreed to.

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman.  
Mr. Chairman, the Preamble of the Bill seeks to amend the Proceeds of Crime Act 1997; the Financial Intelligence Agency Act 2007; and the Chartered Professional Accountants of Bermuda Act 1973.

Clause 1 is the citation.

Clause 2 amends the Proceeds of Crime Act 1997, by including in the definition of "relevant offence" an additional paragraph which specifically includes in this definition conduct which occurs overseas which would amount to criminal tax evasion under the Taxes Management Act 1976 if it had occurred in Bermuda, while at the same time making it applicable to a wider range of tax types than prescribed under that Act. This expands the range of foreign tax offences that become predicates of the money laundering offence in Bermuda, while being generally sincere to the range of domestic tax offences captured under that definition.

Clause 3 amends the Financial Intelligence Agency Act 2007 to authorise the FIA to provide information to the AML/ATF supervisory authority for lawyers and accountants to facilitate them in the discharge of their statutory functions. This will allow for the fulfilment of a requirement of the FATF standards which stipulates that countries must require the relevant domestic authorities to cooperate with each other and to coordinate their operations in such a manner

as to enhance the national effort to combat money laundering and the financing of terrorism.

Clause 4 amends the Chartered Professional Accountants of Bermuda Act 1973, to enable CPA Bermuda to find eligible accounting candidates for appointment to the Barristers and Accountants AML/ATF Board, while ensuring that candidates for Chairman are not disqualified by reason of their partnership in the firms subject to AML/ATF supervision. The amendment maintains the number of years eligibility requirement for accountants, while removing the need for public accounting experience over that entire period.

Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?

**Hon. Trevor G. Moniz:** Mr. Chairman, just to say that I have nothing to add to what I said in the House. We support the amendments being made here today.

**The Chairman:** Thank you.

It has been moved that clauses 1 through 4 be approved.

Is there any objection to that motion?  
No objections.  
Agreed to.

*[Motion carried: Clauses 1 through 4 passed.]*

**Hon. Kim N. Wilson:** Mr. Chairman, I move the Preamble.

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

Is there any objection to that motion?  
No objections.  
Agreed to.

**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.

Is there any objection to that motion?  
No objections.  
Agreed to.

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

**The Chairman:** The Bill will be reported to the House as printed.

*[Motion carried: The Proceeds of Crime Amendment (No. 2) Act 2017 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 2:17 pm**

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

## REPORT OF COMMITTEE

### PROCEEDS OF CRIME AMENDMENT (NO. 2) ACT 2017

**The Speaker:** Are there any objections to the Bill being reported to the House?

No objections.

We will proceed to the next item. The next item on the Order Paper is the second reading of the Quarantine Amendment Act 2017 in the name of the Minister of Health.

Minister?

## BILL

### SECOND READING

#### QUARANTINE AMENDMENT ACT 2017

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

I move that the Bill entitled the Quarantine Amendment Act 2017 be now read the second time.

**The Speaker:** You can proceed, Minister.

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

Mr. Speaker, the Quarantine Amendment Act 2017 and the Quarantine (Maritime and Air) Regulations 2017 were tabled in this Honourable House of Assembly on the 8<sup>th</sup> of September 2017.

Mr. Speaker, for the record, this Bill was in the final stages and ready to be tabled by the previous administration, however, circumstances obviously overtook that. So this is a Bill that is a carryover by me, to quote my learned and honourable colleagues—

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

**Hon. Kim N. Wilson:** —from the previous administration.

Mr. Speaker, the Quarantine Amendment Act 2017 will provide consequential amendments to the Quarantine Act 2017, the Bermuda Immigration and Protection Act 1956, and the Public Health Act 1949. As you may recall, the Quarantine Act 2017, which was enacted on 24<sup>th</sup> April 2017 introduced the structure for the Island's global public health response by adopting the World Health Organization's (WHO) International Health Regulations [IHR] 2005. The International Health Regulations 2005 was signed by member states of the WHO, including the United Kingdom, which extended the agreement to Bermuda in 2007, and provides a new public health security framework to address the spread of communicable

diseases due to the movement of travellers, ships, and aircraft.

The purpose of the IHR 2005 was to introduce a more flexible and responsive approach to the global communicable disease threats such as SARS at the time. The Amendment Act and Quarantine (Maritime and Air) Regulations 2017 will provide the guidance for enforcement of the security structure and ensure our ports and airports create the first line of defence from global public health threats. As a whole, the Act and Regulations will modernise and strengthen our response to international public health threats.

Mr. Speaker, the amendments to the Quarantine Act 2017 will allow the Quarantine Authority, which is the Minister of Health, to land a traveller with a communicable disease in Bermuda. Being able to land a traveller will allow for them to be transferred for treatment at a hospital or temporary isolation clinic. In addition, the Act has been amended to identify any necessary forms in support of the Quarantine Act to be available on our website: [www.gov.bm](http://www.gov.bm).

Mr. Speaker, in order to provide the Quarantine Authority the responsibility of landing a traveller with a communicable disease, the Bermuda Immigration and Protection Act 1956 (BIPA) must subsequently be amended. Currently, the Governor, who has delegated the function to the Department of Immigration, can land a traveller with a communicable disease. With the changes, the Quarantine Authority will now have the responsibility for exceptionable persons under BIPA where such persons are suffering or suspected of suffering with a communicable disease.

Mr. Speaker, the Quarantine Amendment Act 2017 will also change the Public Health Act 1949 to allow the Minister of Health to establish temporary isolation hospitals or clinics for persons with a communicable disease and will not require proof of an "epidemic." Epidemics are not a commensurate threshold to trigger a proportionate response for rapid local containment of emerging international communicable disease threats. SARS demonstrated how rapidly international disease threats can emerge and travel. And the ability to establish isolation hospitals or clinics provides a health officer with options when treating travellers, which may include an incubation period that does not require the automatic transfer to our hospital.

Mr. Speaker, I now take the opportunity to also move that the Quarantine (Maritime and Air) Regulations 2017 also be considered at this time.

**The Speaker:** Mm-hmm.

**Hon. Kim N. Wilson:** Considering the length of the Regulations, I will only highlight the changes being introduced by the Regulations and will not give a clause by clause explanation, unless, of course, the Opposition are requesting that. (I guess that is a no.)



The Quarantine (Maritime and Air) Regulations 2017 will repeal and replace the Quarantine (Maritime—

**The Speaker:** Minister, Minister, hold on one second. I think I missed something there.

Can you take your seat a minute?

Are you moving on to [Order] No. 6 now?

**Hon. Kim N. Wilson:** I am just highlighting it in the brief because the Regulations are tied directly to the legislation. So for expediency I am highlighting—

**The Speaker:** Okay. I just missed that. I just had to clarify it.

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

Mr. Speaker, the Quarantine (Maritime and Air) Regulations 2017 will repeal and replace the Quarantine (Maritime) Regulations 1946 and the Quarantine (Air) Regulations 1946 and the Public Health (Quarantine Stations) Regulations 1926, which were outdated in their approach to public health threats.

The new Regulations will streamline the procedures required at both the airport and ports, provide the key structure to the security, ensure the roles of the Health Officers are outlined, and the rights and responsibilities of travellers are enshrined in law. The Regulations introduce a flexible and updated method of preventing, controlling, and responding to a public health threat that ensures the safety and rights, of all involved.

In addition, the Quarantine (Maritime and Air) Regulations 2017 introduce responsibilities for health officers to:

- stop persons from disembarking from conveyances arriving in Bermuda on which a communicable disease has been reported;
- ensure conveyance operators take measures to prevent the introduction of vectors and infection into Bermuda;
- obtain travel information from passengers, screen, provide health assessments and if necessary detain travellers;
- transfer travellers to a hospital or isolation clinic for treatment;
- ensure bags and cargo are screened and inspected as necessary;
- implement any recommendations provided by WHO on the handling of specific communicable diseases.

The Regulations will provide a review process for any detained travellers by the Quarantine Authority and the Supreme Court if necessary.

Mr. Speaker, the new Regulations will retain the responsibility from the Quarantine (Maritime) Regulations 1946 and the Quarantine (Air) Regulations

1946 for a master of a ship or commander of an aircraft—now conveyance operators—to provide a declaration of health. However, under the new Regulations the conveyance operators will only have to submit the form if there has been a public health threat reported on board, if the ship or aircraft is coming from an affected country, or a death was reported on board.

Mr. Speaker, the new Regulations will allow health officers to stop the disembarking of passengers and crew from a ship or aircraft as did the 1946 Regulations. However, in the new Regulations health officers will only have this ability where a public health threat has been reported on board, a death was reported, or the conveyance is coming from an affected country. Otherwise, the Quarantine (Air and Maritime) Regulations 2017 represent a replacement of outdated legislative provisions.

Mr. Speaker, in the last few years Bermuda has responded to potential threats from communicable diseases including Ebola and Zika. The problem for any legislation seeking to protect our shores from these threats is the constantly changing nature of communicable diseases. Today it is Zika and tomorrow it may be a disease we have never heard of and which will require a flexible public health response. The Quarantine (Maritime and Air) Regulations 2017 along with the Quarantine Amendment Act 2017 provide that flexibility, while also allowing for international best practices to be followed.

Mr. Speaker, the Quarantine (Maritime and Air) Regulations 2017 fulfil the need in the Quarantine Act 2017 to have core capacities at our entry points, a flexible, but robust response to public health events, and introduce modern intervention techniques for travellers, baggage and conveyances.

Mr. Speaker, I move that the Regulations be approved, and that a message be sent from this Honourable House to the Governor that these Regulations be approved.

With those brief introductory—have I gone too fast?

**Mrs. Jeanne J. Atherden:** Point of order, I think that this is going too far, Mr. Speaker.

*[Inaudible interjection]*

**The Speaker:** Let us clarify.

**Hon. Kim N. Wilson:** I will take that, Mr. Speaker, I think that was too fast, Mr. Speaker. Thank you.

**The Speaker:** Yes, slow down a little and let us back up so that everybody follows where you are, Minister.

Minister, the clarification is that we started in the Act in [Order] No. 5. It seems like you drifted over into [Order] No. 6 in the Regulations.

**Hon. Kim N. Wilson:** Yes.

**The Speaker:** And that was what I was calling to your [attention] before. If we were drifting into [Order] No. 6, we should have dealt with [Order] No. 5 first before we went on to [Order] No. 6.

**Hon. Kim N. Wilson:** Yes, Mr. Speaker.

And Mr. Speaker, I was earlier mistaken, I would ask that [Order No.] 6 of the Order Paper also be addressed and I would move that the Regulations also be approved.

**The Speaker:** Well, let us deal with the Act first. You should have done them as separate items. So at this point, we will have response from the other Members who wish to speak on the Act itself and then we will move on to the Regulations.

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

**The Speaker:** Does any other Member wish to speak?

Thank you.

We recognise the Member from constituency 19, the Honourable Member, Mrs. Atherden.

You have the floor.

**Mrs. Jeanne J. Atherden:** Mr. Speaker, in the spirit that, as the Minister said, this Act was something that the former Government had well in hand and, therefore, I know it very well. That was why I did not say anything when the Minister went from the Act into the Regulations because, of course, they are a package. But we still have to deal with the Act first and deal with the discussion of that, and then deal with the Regulations afterwards.

So I just want to—

**The Speaker:** That has been clarified now. We will do them separately.

**Mrs. Jeanne J. Atherden:** Right. Thank you.

So right now I am talking about the Quarantine Amendment Bill. And I just want to say that it was recognised that we had to turn around and do some things to our Quarantine Act with respect to the WHO requirements and make sure that some of the changes with respect to identifying the officer, if you will, the public officer that would be responsible for making decisions as to when we had, if you will, a public health issue that, as a consequence, became a communicable disease that is a public health risk. And I also recognise that gone are the days that one focuses on an “epidemic” because no one turns around and calls it an epidemic now, it is talking about communicable diseases that are public health risks. And over time this list is going to be added to because there are going to be more and more things that come up that,

not only Bermuda, but every place in the world will have to deal with.

And I think that in terms of understanding, the difference between a communicable disease and a non-communicable disease is very important for us to understand. And I say that only because, with respect to the public, we are out there and we talk about NCDs (non-communicable diseases) that we try and make sure that we deal with locally. And then we talk about communicable diseases that, due to the nature of them, are spread amongst people very quickly and, therefore, they have much more opportunity to create a public health risk as opposed to a non-communicable disease, which tends to be very much something that an individual has and can be managed by that person.

So, I recognise that the things that have been put here are things that are important and that I am aware of. I think the only thing just to be reminded of, and I know that the Minister mentioned it, but just for everybody else that is listening, in terms of landing rights, you know, it was important for us to understand that rather than the Governor, that the Health Officer would be able to effectively make the decision on landing rights. And I say that because I am mindful of the fact when we were faced with the discussion on Ebola, when we were really worried about what would happen if someone came to Bermuda on an aircraft and we had a suspected case of Ebola, what were we going to do? We knew that Bermuda did not have the facilities . . . that if someone came on the Island [with Ebola], to be able to manage it. So that, basically then, you are relying on the fact that anybody, fortunately, that comes to Bermuda comes from somewhere where [their government] had a robust process in place. So [if] they came to Bermuda from the States, the US had a very robust procedure for turning around and identifying people that had Ebola or were at risk. And if they came via the UK, the UK also had a very robust procedure . . . and even Canada. So from that perspective Bermuda could feel a little more protected because the recognition was that once they got to our shores then we had a situation where we would have to deal with that individual or else we would have to say to them that they would not be landed.

And I am also reminded of the fact that there was another situation where was a ship and there was an identification of something that was happening on the ship and, therefore, the medical officer had to make the decision as to whether the ship was going to dock and potentially have someone land on the Island and then a communicable disease then be spread all throughout Bermuda.

So these things are very important for small places and so important for Bermuda because, while we put all sorts of protections in place, we have to understand that we are a small place and, therefore, anything that happens here . . . our ability to be able to react could be compromised. And, therefore, our

prevention is more important than our cure. We do not want them to have to be here and then have to turn around and deal with it. We would prefer them never to land on the shores.

So these types of amendments that we are putting in place are definitely designed to make sure that not only have we defined those persons who have the responsibility, not only have we made sure that the definition between the Governor and the Health Officer has been defined, but also I know that there was the concern that we make sure that we have persons within the Ministry who are officers who will be able to be stationed at various ports to be able to protect us, if you will, asking the questions, making sure that nobody comes on shore. Because if you never get past that gateway there, technically you have never been landed and, therefore, you are not on the Island and then we can prevent people from coming on [Island] and the risk then being spread.

So with respect to the Quarantine Amendment Act itself, I understand why and I also realise that it was very important for us to get this done and get this done quickly. So we obviously support it.

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

Does any other Member wish to speak to this?

Minister, you can respond.

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker, and I thank the Honourable Member for those very useful interventions.

Mr. Speaker, on that note, I move that the Bill now be committed.

**The Speaker:** Yes.

Deputy?

### House in Committee at 2:35 pm

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

## COMMITTEE ON BILL

### QUARANTINE AMENDMENT ACT 2017

**The Chairman:** Honourable Members, we are now in the Committee of the whole House for further consideration of the Bill entitled the [Quarantine Amendment Act 2017](#).

I call on the Minister.

**Hon. Kim N. Wilson:** Mr. Chairman, I move clauses 1 through 4.

**The Chairman:** It has been moved that clauses 1 through 4 be approved.

Is there any objection to that motion?

There appear to be none.

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

Mr. Chairman, clause 1 the Quarantine Amendment Act 2017 provides for consequential amendments to the Bermuda Immigration and Protection Act 1956 and the Public Health Act 1949 to ensure we have a flexible public health response to communicable disease threats from other borders.

Clause 1 provides for the citation.

Clause 2 amends the Quarantine Act 2017. The Quarantine Act 2017 is amended so as to provide in section 8 for the option for the Schedules and Forms in the regulations to be published separately on the Government of Bermuda website at: <https://www.gov.bm> and to be viewed at the offices of the Director of the Department of Health. The Act is further amended to provide in the new section 9A power for the Quarantine Authority to issue directions for the landing of travellers declared as exceptionable persons under section 31 of the Bermuda Immigration and Protection Act 1956 for the reason that they are suffering from a communicable disease.

Mr. Chairman, clause 3 amends the Bermuda Immigration and Protection Act 1956. A consequential amendment is made to section 31(1) of the Bermuda Immigration and Protection Act 1956 to provide that in the case of travellers declared exceptionable persons for the reason that they are suffering from a communicable disease, the Quarantine Authority, other than the Governor, is to give directions under which they are to be allowed to land. The Act is further amended in section 31(7) to provide for the term “communicable disease” to be defined in accordance with section 2 of the Quarantine Act 2017.

Clause 4 amends the Public Health Act 1949. The Public Health Act 1949 is amended in section 94(1) to delete the use of the archaic term “epidemic” and substitute it with “communicable disease that is a public health risk,” and in section 165(1) to remove the redundant phrase containing the term “epidemics.”

Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?

No further speakers.

It has been moved that clauses 1 through 4 be approved.

Is there any objection to that motion?

There appear to be none.

Agreed to.

*[Motion carried: Clauses 1 through 4 passed.]*

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

Mr. Chairman, I move the Preamble.

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

Is there any objection to that motion?

There appear to be none.

Agreed to.

**Hon. Kim N. Wilson:** Mr. Chairman, I move now 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.

Is there any objection to that motion?

There appear to be none.

Agreed to. The Bill will be reported to the House as printed.

*[Motion carried: The Quarantine Amendment Act 2017 was considered by a Committee of the whole House and passed without amendment.]*

**House resumed at 2:38 pm**

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

## REPORT OF COMMITTEE

### QUARANTINE AMENDMENT ACT 2017

**The Speaker:** Are there any objections to the Bill being reported to the House?

No objections.

We will now move on to [Order] No. 6, the Regulations.

Honourable Minister.

## REGULATIONS

### QUARANTINE (MARITIME AND AIR) REGULATIONS 2017

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

I move that consideration be given now to the draft regulations entitled the [Quarantine \(Maritime and Air\) Regulations 2017](#), proposed to be made by the Minister responsible for Health under the provision of section 5 of the Quarantine Act 2017.

**The Speaker:** Continue.

**Hon. Kim N. Wilson:** Mr. Speaker, as I inadvertently did a few moments ago, I actually combined the submissions with respect to the [brief](#) as it relates to both the Act and the Regulations. So rather than repeat all of that, the position still remains the same and I suspect that . . . and welcome the input from the Honourable Member concerning this and that we will still retain the support and level of support that we received just a few moments ago for the Act and mirror that in the Regulations. Thank you.

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

Does any other Member wish to speak?

We recognise the Member from constituency 19.

Honourable Member Atherden, you have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

As indicated, I obviously support this. And we do support this because we recognise that these Regulations have to go along with the Act. And I think . . . I just wanted to highlight just a few things which I think are important for us to be reminded of. Because when it comes up later everybody is going to have to sort of remind that . . . we made some things, some provisions here, to make sure that there is a way to identify the contamination or suspected contaminations on conveyances. We have made sure that the persons coming into Bermuda are required to talk about sanitary certificates because these are the type of things that . . . they give you that protection to make sure that if something is happening and you are aware that . . . you know, vessel A is coming from somewhere else and you are wondering whether everything is okay, the fact that they have to provide these certificates goes a long way to help the authority who has got to make a decision whether they can come here to be satisfied.

I do think that with respect to most of the things that are in here, the legislation tries to make sure that the individual's rights are protected, but at the same time the rights of the country are protected. So, you know, if you are telling them that they are not going to land, but they want to appeal or they want to have their own medical doctor—those types of things—or at least envision . . . but not so much so that the overriding concern that the Medical Officer . . . if the Medical Officer has made the decision that they believe that the person is a health risk, that they cannot turn around and override it. But I do think the idea of the certificates, the sanitation certificates, as well as making sure that . . . if we have to charge . . . those are things that just make sure that the Regulations are robust.

And as it relates to the Schedule, I think there had always been this concern about when you put things in a Schedule, how do you then make sure that if tomorrow there is something that needs to be added that you can add it very quickly? So I think that that is the only thing, we just have to make sure that, going forward, if all of a sudden instead of West Nile Fever it is East Nile Fever or something, that there is a way that it can be put on there. Because so many things are happening in the world where something is identified and, before you know it, it is just going like wild-fire.

But I believe that this makes our Regulations supporting of the Act, and what I think is very important is that the Schedule gives some guidance so that, more importantly, the traveller or the crew member will understand if they are suffering from a communicable disease because we would much prefer when the Immigration or the Port Authority person

asks you the question about *have you been to x, y, z place?* And ask you whether there are some concerns, that people speak up and say that they might not be feeling well or there might be an issue [so] that we can deal with them rather than turning around and getting them on the Island and then you have to really talk about quarantining them and that creates a whole new set of problems.

But Mr. Speaker, we support these Regulations.

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

Does any other Member wish to speak?  
Minister?

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker, and thank you to my honourable colleague for her participation and support on the Opposition benches and supporting overall the need for these Regulations which will help to ensure that we have a flexible, robust response to public health crises and events within Bermuda.

Mr. Speaker, on that note I would like to move that the draft Regulations be approved and that a message be sent from this Honourable House to His Excellency the Governor.

**The Speaker:** Any objections to that?  
No objections.

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

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

*[Motion carried: The Quarantine (Maritime and Air) Regulations 2017 were considered and approved by the House.]*

**The Speaker:** That completes [Order] No. 6.

I understand that [Order] No. 7 is being carried over?

We are now doing [Order] No. 8 and . . . Deputy Premier, you are going to carry this one for the Premier and Minister of Finance?

**Hon. Walter H. Roban:** Yes, Mr. Speaker.

**The Speaker:** Deputy Premier, you have the floor.

## BILL

### SECOND READING

#### REAL ESTATE BROKERS' LICENSING ACT 2017

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I move that the Bill entitled the Real Estate Brokers' Licensing Act 2017 be now read a second time.

**The Speaker:** Mm-hmm.

**Hon. Walter H. Roban:** And Mr. Speaker, I would just like to thank the House for allowing us to debate this Bill as we did consult with the Opposition on bringing this forward quicker than the standard procedure, so we do appreciate that this has been allowed due to the sensitivity of the actual—

**The Speaker:** Thank you for acknowledging that and yes, you do have [the] support of both sides of the House for this to proceed.

Go ahead.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

Mr. Speaker, the Government wishes this Honourable House to give consideration to the Bill entitled the Real Estate Brokers' Licensing Act 2017.

Mr. Speaker, the purpose of this Bill is to repeal the Real Estate Agents' Licensing Act 1976 and to replace it with an Act that modernises the operation and supervision of the real estate industry. Honourable Members will be reminded that the 1976 Act has been in existence in its original form for almost 40 years. The 1976 Act is outdated on several fronts and no longer meets international standards. Honourable Members will be aware that the Financial Action Taskforce (FATF), an intergovernmental body was established in 1989 by the Ministers of its member jurisdictions—the United Kingdom and the European Commission being 2 of the 34 members.

Mr. Speaker, the objectives of the FATF are to set standards to promote effective implementation of legal regulatory and operational measures to combat money laundering and terrorist financing. To that end, FATF has made 40 recommendations which are considered the international standards on combating money laundering and financing terrorism (AML/ATF). In the 2008 International Monetary Fund Country Report 8-336, an Assessment of Bermuda's Financial Sector Supervision and Regulation, one area of vulnerability that was identified related to designated non-financial businesses and professions (DNFBP), which includes real estate agents.

Mr. Speaker, Bermuda will undergo a mutual evaluation by the Caribbean branch of FATF in September 2018. Therefore, it is important for Bermuda to be able to demonstrate the effective implementation of the Superintendent's supervisory powers during at least one licensing period, which expires on the 30<sup>th</sup> of September every year, when Bermuda is evaluated by the CFATF in September 2018.

Mr. Speaker, real estate agents are required to implement anti-money laundering and financial terrorism programmes that are consistent with FATF recommendations. This means adopting similar customer due diligence and record-keeping standards established by the FATF in relation to sale and purchase transactions by real estate agents.

To that end, Mr. Speaker, NAMLC and the Office of Superintendent jointly established a working group to work with the real estate sector to develop an appropriate framework that is as cost-effective as possible. In October 2014, the working group held a meeting for all registered real estate agents. The real estate agents were:

- a) informed of the key AML/ATF legislative requirements to which they are subject; and
- b) provided with a brief overview of the FATF recommendations that must be adopted by them.

Mr. Speaker, in 2016 a raft of legislative amendments came into effect to various pieces of legislation concerned with proceeds of crime, money laundering and terrorism financing with the effect that the Superintendent is now recognised as a competent authority for real estate, with responsibility for their supervision. However, legislative amendments are required to give the Superintendent statutory power to:

- a) establish a fit and proper criteria for obtaining a real estate licence;
- b) publish a statement of principles regarding brokers, internal policies and procedures;
- c) carry out proactive inspections of real estate brokers to ensure compliance;
- d) investigate and take enforcement measures for non-compliance.

Now to the Bill: Agent and Broker. Mr. Speaker, the terms “salesman” and “agent” have been replaced with terms “agent” and “broker” respectively.

Mr. Speaker, the power of the Minister to grant, refuse and revoke licences has been transferred to the Superintendent of Real Estate, with a right of appeal to the Supreme Court.

Mr. Speaker, the Superintendent must issue a Statement of Principles once this Bill comes into operation. The Statement of Principles will set out the principles in accordance with which he proposes to act:

- a) in interpreting the minimum criteria for the fit and proper test in order to be eligible for licensing; and
- b) in exercise of his powers.

Mr. Speaker, the Minister’s function is now limited to making regulations, prescribing the practice and procedures for investigations, prescribing forms, providing for the examination of applicants for licences, and generally for the better carrying out of the business of the Act.

The Advisory Board. Mr. Speaker, the Bill creates the regulatory regime that will enable the Superintendent of Real Estate to carry out those functions. The status and scope of the Real Estate Advisory Board has been changed as well. The Real Estate Advisory Board will no longer be an ad hoc committee and will be established as a permanent board with responsibility for advising the Superintendent of Real

Estate on matters generally affecting the real estate industry.

Regulation of Trade. Mr. Speaker, in terms of regulation of trading practices, namely representations made by agents and brokers, advertising employment of agent of another broker, commissions, duties of agents, breach of contract, there are not many changes between the 1976 Act and this Bill. The main differences are that this Bill recognises the different types of arrangements between brokers and agents, i.e., employer/employee relationships as well as independent contractors. Also, the Bill requires a broker or agent to execute a listing agreement to list with him before listing real estate for sale, exchange, lease or rent.

Mr. Speaker, the 2017 Bill also establishes minimum criteria for licensing. Every agent, broker, as well as senior executive, compliance officer and reporting officer in the case of large real estate companies, the brokers must be fit and proper persons. The fit and proper test will be based on a person’s competence, soundness of judgment and good character.

Mr. Speaker, the Superintendent (or any person authorised by him or her) has the power to investigate or inquire into:

- a) any matter concerning the due administration of the Act or any other Act;
- b) the circumstances surrounding a transaction or matter or action done by a broker or agent whether they are licensed or not.

In order to carry out his investigation the Superintendent has the power to require the production of books and records that are not subject to legal professional privilege.

Mr. Speaker, the Superintendent has the power to: revoke a licence if the fit and proper criteria is not met, for failure to comply with terms and conditions of a licence, or for making false, misleading or inaccurate information; to impose a civil penalty; to censure a broker or an agent publicly; to make a prohibition order if fit and proper criteria is not met or if principles of the Statement of Principles are contravened; to seek injunction from the Supreme Court for a likely contravention of relevant requirements; to issue warning notices to allow a broker or agent to remedy a non-compliance; [and] to publish information about any matter to which the decision relates.

Mr. Speaker, the Superintendent may now impose a civil penalty of up to \$250,000 for failure to comply with any requirements under this Act or for contravention of the prohibition which the Superintendent may consider appropriate. “Appropriate” means effective, proportionate and dissuasive. This provision may appear draconian, but it is mitigated by the Superintendent’s ability to not only impose a civil penalty where he is satisfied that the person concerned took all reasonable steps and exercised all due diligence to ensure the requirements are complied with.

Mr. Speaker, the existing fine of \$5,000 for the contravention of the 1976 Act has been increased to \$10,000 (this is dollars) or to imprisonment for two years or both. The fine for failure to comply with the terms of a prohibition order is: on summary conviction \$25,000 or one-year imprisonment or both; or \$50,000 or two years imprisonment or both on indictment.

Mr. Speaker, under the 1976 Act licences expire on September 30<sup>th</sup> each year. Under this Bill the licensing period for licences remain the same, that is, licences will expire on the 30<sup>th</sup> of September for each year with the exception of this licensing period. Under this Bill a licence obtained by a person under the 1976 Act which is due to lapse on the 30<sup>th</sup> of September 2017 will be deemed to continue to be valid until November 30<sup>th</sup> 2017.

Mr. Speaker, the time frame allows realtors two months to familiarise themselves and to become fully compliant with licensing requirements of the new statutory regime.

With those comments, Mr. Speaker, I invite Honourable Members to participate. Thank you very much.

**The Speaker:** Thank you, Minister and Deputy Premier.

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 29—sorry—constituency 19, the Honourable Jeanne Atherden.

You have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, the comments that I make right now are comments that I have already indicated to the Acting Finance Minister, so I do not think that they come as any mystery, but I will raise them again because I was hoping to have some sort of answer.

If, Mr. Speaker, you—and first of all, I must say that I was pleased to be able to have a sort of overview of where the Minister, or Acting Minister, was going to come, so it is . . . we all support the idea of making sure that the Act is modernised. We realise that we have to have it in terms of the FATF requirements and we realise that we know what we are up against with respect to the time constraints, et cetera.

And I think there are just three things that I just want to make clear because they all hinge on this one concern. The Acting Minister indicated that the 1976 Act did not apply to attorneys who engage in trading in the course and as part of their practice and the 2012 removed this exemption. So, now . . . and I know the 2012 was not passed, and so we are now into 2017 so that what ends up happening is that if you fast forward to the other observation that was made that in terms of the regulations of trading practices the Acting Minister indicated that representation had been made by agents and brokers in terms of the duties, but that there was not much changed between

the 1976 Act and the Bill and that this Bill recognises the different types of arrangements between brokers and agents, employers and employee relationships as well as independent contractors. That is fair enough. I think everybody understands the need to recognise those different arrangements.

But the concern that I have is the fact that if you say that the practices have not changed that much and if you say that the 1976 Act did not apply to attorneys who were engaged in trading in the course and as part of their practice, then I would like for the Acting Minister to indicate why this exemption has been removed and how the concerns that have been made by members of the Bar are going to be addressed with respect to potentially creating more onus on them because of the requirement (potentially) to have to become a licensed agent.

Now, I do know that I have had a conversation with the Acting Minister and I hope that he will indicate to the House here in terms of what type of consideration has been given with respect to any changes that could be made. I totally understand the need to have this put in place and I do understand the consequential timeline that we are under with respect to the FATF and needing to have it in place so that we can have the one year and being able to see how it works. But this issue about those persons who are in the normal course of their business do not feel that they are acting as a broker and, therefore, do not feel that they should be licensed, I just believe that we should be able to get some understanding of why this exemption was taken out and how this concern will be dealt with.

**The Speaker:** Okay. Thank you.

Does any other Member wish to speak?

I recognise the Member from constituency 22, the Honourable Member Gibbons.

You have the floor.

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

Mr. Speaker, I just wanted to make a couple of points in support of what my honourable colleague Jeanne Atherden has said. This particular Bill has an interesting history, and as the Acting Minister said, the former former Government, the previous Progressive Labour Party administration, tabled a Bill in 2012 in the House which essentially was a new Bill to take over from the 1976 Act. It was never actually taken up by the House at that time; I think it was pretty close to the election. So in essence, in 2012/13, I think the new Government had a look at the Bill that was tabled by the former PLP Government and it was interesting.

It was, as the Honourable Member indeed has said, in some respects almost identical to the 1976 Act in that there were not a lot of changes. And so, as a consequence, the 1976 Act was left in place pending further discussion with the real estate industry which seemed to have other thoughts about additional

changes. So it was not really moved forward with any degree of change until about 2015. And at that particular time it was pretty clear that with changes and suggestions from NAMLC and the rest of it that we had to take what was essentially a historical Bill—the 1976 Act—and start to move it forward so that we would be in compliance.

And so Honourable Members will remember that later on in 2016 there were essentially two amendments that were made to the 1976 Act. One was to essentially make the Registrar of Companies the Superintendent and put them in charge of the supervisory process, taking out the Minister responsible at the time, which was the Minister of Economic Development. And the second was to essentially make under the Proceeds of Crime Anti-Money Laundering Act an amendment to list the Superintendent of Real Estate as the competent authority.

We thought at the time those might be satisfactory, but in essence what happened was the OECD group that was through here last fall, said that this really is not going to cut the mustard. And so there was clearly a need to make additional changes. And I think as the Honourable Member, the Acting Minister, who spoke to this mentioned, we had to make wholesale changes to take the Minister really out of a good part of the Bill, except for the issues of passing regulations and, in this case, actually appointing the Advisory Board as well. But everything else had to go over to the Registrar of Companies to ensure that they were clearly and fully a supervisory body, that they were the competent authority, and that they were the ones—not the political arm—that had the powers to be able to regulate the industry. And I think those were some of the principal issues that were involved.

I would just like to come back to this issue of the attorneys for a second. Under the 1976 Act it is very clear in section 2 of that, in the Application of the Act, it says: “A member in good standing of the Bermuda Bar Association where the trade is made in the course and as part of his practice as an attorney” shall not come under the ambit of the Act. In other words they are exempt from the provisions of the 1976 Act.

Now, whether it was an oversight or whether it was done purposely, that was not included—that exemption for practicing attorneys doing real estate law—in the 2012 Act. In fact, it was not included in what I will call “earlier” versions of this Act either. And I guess to sort of push the issue a little bit further, it seems to me that attorneys either have two choices: one is with the Bill before us to become a licensed real estate broker or agent and go through that process; or there needs to be essentially some sort of an allowance for attorneys to be able to in their course of business to do this. And I am not sure the current Bill allows them to do that.

And I guess the practical aspect of this, and I am sure the Honourable Member may want to reflect on this when he gets the answer, is that attorneys

now, as soon as this Bill repeals the 1976 Act will be sort of in a difficult situation because they will no longer be exempt from the provisions of the Act, but they may not at that point be either brokers or agents (some of them may have done that already, I do not know), but there may be a period where attorneys are unable to practice real estate law as they currently are and either have to . . . I am not sure quite what is going to happen there. So we have a little bit of a lacuna here, I think, which needs to be addressed and which my honourable colleague, Jeanne Atherden, was essentially referring to. So, I guess that is one of the questions I had.

The other issue I had was . . . and I am going to end on this note, but I was a little surprised to find yesterday that a meeting had been arranged—and we thank the Honourable Member because he actually called to say, *By the way, we’re taking this up today*, and said there was going to be a meeting arranged in the Ministry of Finance. But I would hope, in the future, that if the Government intends to take up something and not allow the full two weeks, that they let the Opposition and perhaps others out there who may have an interest in it know a little sooner. I mean, it was pretty clear from anybody reading this in the transition that unless this Bill gets passed by the end of September that all brokers and all agents would be in limbo. In other words, their licences would have expired and they would have been unable to essentially practice real estate until the Government could take this through.

That would have been known some weeks ago it seems to me. So, I would just ask the Government as a courtesy, knowing full well that they have got to do something quickly, that they let the Opposition know, not at four o’clock on the day before it is going to be debated and, perhaps through you, Mr. Speaker, move a little more promptly to let the Opposition know so that we can have an appropriate debate. Now, obviously, some of us on this side had some familiarity with the legislation, but I think in fairness this kind of thing ought to be done a little bit more expeditiously next time.

So I think those are the main points that I wanted to make. As my honourable colleague, Jeanne Atherden said, we support this Bill, but there are some questions here in terms of the position, particularly, it puts attorneys into and we would appreciate having answers to that.

Thank you, Mr. Speaker.

**The Speaker:** Thank you for your comments.

Does any other Member wish to speak?

I recognise the Member from constituency 6, the Honourable Member, Mr. Furbert. You have the floor.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.



Mr. Speaker, I think this is the right thing for the Government to be doing. We are under . . . we have some tight deadlines and sometimes we have to make decisions very quickly. But I find it very strange that the . . . and disingenuous, also, that the Shadow Minister of Economic Development (I believe it is) stands on his feet and says that we let him know like a day ago. Well, I would have thought by July 17<sup>th</sup> they were the Government and they were well aware of this particular Bill either coming or the drafting had already started with somebody. I am probably . . . I am saying that the drafting instructions probably came from the Cabinet themselves, which he was in. So now he is telling the Government that came in office on July 18<sup>th</sup> that we should let them know. There is something—

**Hon. Dr. E. Grant Gibbons:** Point of order, Mr. Speaker.

**The Speaker:** Just a minute, Member.  
Point of order?

**POINT OF ORDER**  
[Misleading]

**Hon. Dr. E. Grant Gibbons:** Yes, the Honourable Member is misleading the House. Either he was not listening or he did not understand my point. My point was that if the Government intended to take it up within a week, as opposed to the normal two weeks—and they would have known that because of the 30<sup>th</sup> of September deadline here—that they could have at least had the courtesy . . . it has nothing to do with the speed with which the drafting was done.

**Hon. Wayne L. Furbert:** I understand—

**The Speaker:** Thank you for your point of order.  
Continue on.

**Hon. Wayne L. Furbert:** I understand very clearly, Mr. Speaker, and that is my point. It is not the fact that we understand the importance of getting this Bill passed in this House very quickly and we should have given them five minutes, because my point is they knew all about the Bill before.

**The Speaker:** But there is procedure that we have to stick to.

**Hon. Wayne L. Furbert:** It is not about letting them know a day ahead—

**The Speaker:** There is procedure.

**Hon. Wayne L. Furbert:** —they knew very clearly, at the end of the day, this Bill had to come before Parliament because of its importance. And they are telling

me that we have given notice for . . . as a matter of fact, they should have let us know two months ago that it was coming. We did not know. My point is that they were well aware of it and they knew the urgency of this particular Bill, and I applaud and encourage my colleagues, at the end of the day, to make sure that this is passed.

**The Speaker:** Is there any other Member that wishes to speak?

I recognise the Government Whip, the Honourable Member Mr. Weeks.

Mr. Weeks, you have the floor.

**POINT OF CLARIFICATION**

**Mr. Michael A. Weeks:** Thank you, Mr. Speaker.

I just rise on a point of clarification. When the Government laid the Bill last Friday, I as the Whip was instructed to approach the Opposition Whip and ask her *can we bring it* . . . to take it to our caucus and see if we can bring it today. And she said she would take it to her caucus and let me know. And on top of that, the Minister . . . we arranged with the Ministry of Finance to give a briefing to *any* Member—Government or Opposition—that needed to be brought up to speed, and that was four o'clock yesterday, and only one Member of the Opposition team, to my knowledge, even attended. Thank you.

**The Speaker:** Thank you.

Does any other Member wish to speak?

We recognise the Honourable Member Mr. Moniz. You have the floor.

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

[Crosstalk]

**The Speaker:** Members, Members.

**Hon. Trevor G. Moniz:** Mr. Speaker, I declare my interest to the extent that I am a member of the Bar. This concern was raised with me this week by a member of the Bar and I immediately advised my colleague, the Shadow Minister of Finance, and said we needed more detail on it.

Now, what was told to me was that the consultant to the Superintendent of Real Estate, the Registrar of Companies, Ms. Venous Memari, who is in the Chamber today, held a presentation at the beginning of August. And that particular attorney had spoken with her and raised the concern and subsequently wrote a letter dated the 11<sup>th</sup> of August and subsequently contacted me. And I conveyed that we were debating this early so time was of the essence and I shared it with my parliamentary colleagues.

So, at that point in time I suggested that it might be appropriate to have the Bar itself write to the Minister, which did happen.

**The Speaker:** It did or did not?

**Hon. Trevor G. Moniz:** It did happen.

Yesterday a letter was sent to the Minister by the Vice President of the Bar (because the President was away) enclosing the other letter and expressing the Bar's concerns that this would apply—that these new requirements under this Act—would apply to members of the Bar who were in the normal course of their practice engaged with practice in real estate.

I have not formed any particular opinion on that and, perhaps, I should have attended the presentation yesterday because what I am getting out of it seems to be two different stories. You know, on the one hand I am being told, *Well, sometimes there are lawyers who actually do trade in real estate as a real agent getting a much higher commission.* You know, for example, if a lawyer does a transaction, he would get far less than . . . I do not know, 1 per cent of a transaction, probably 0.1 [per cent] on the transaction. A real estate agent gets 5 per cent, so they get a much higher fee. So you can see it is an attraction to lawyers sometimes to put themselves forward as a real estate agent and charge that fee where they get the opportunity, and there may be some abuse there in rare cases.

So what I want to be clear on is that where a lawyer was engaged in a normal course of practice—doing a mortgage or conveyance—then he would not be caught by this Act. And that is what we are looking for. We are just looking . . . for the Minister to give an undertaking to the Bar that where that is all the lawyer is doing is doing a transaction as a lawyer, nothing more, that he is not caught by the ambit of this Act. I read the sections involved and I can see how they could be read either way. So I think all we are looking for is an undertaking from the floor. If the Minister is able to do that, it might resolve the matter.

I am obliged, Mr. Speaker.

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

Does any other Member wish to speak to it?

Any other Member?

Minister.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

If I can just address some of the questions that were raised, and I would just like to say that I am as bewildered by the statements of the Honourable Member who sits in constituency 22 because as soon as this . . . understanding the urgency of this Bill, every effort was made to . . . and as the Honourable Member who is our Government Whip articulated the facts of events exactly as they happened, every effort was made to ensure—mindful of the urgency of this

matter—to ensure that the Opposition was included, knowing that in order to meet the deadline this Bill, once it had gone through the normal process upon which Government Bills must go through (and those Members who were members of the Government understand what that is). Once the Bill was laid in this House, the process was made to expedite it in the way.

Efforts were made to contact the Opposition on this point on which they presumably agreed, but their Honourable Member who sits for [constituency] 22 is acting like somehow we infringed on their right. But we made sure that we were completely transparent about what we intended to do. So the Honourable Member is suggesting that we were not, so I have great exception with what he is suggesting. Too, over 48 hours prior the Honourable Whip on our side made contact with the Whip for the Opposition informing them of the meeting that was scheduled at the Ministry of Finance yesterday for all Members of the Legislature—that includes this Chamber and the Upper Chamber—to have a briefing on this legislation, mindful of the time—every Member. Now, I do not know what happened with the communication in relation to the Opposition, but I myself, as a courtesy, called the Opposition Leader to make sure that the message was communicated from my office, as the Acting Premier, yesterday to make her aware that our Whip, the day before, had made communication with their Whip on this point. Right?

**An Hon. Member:** Last Friday.

**Hon. Walter H. Roban:** Well, as I know . . . I was not here last Friday so I cannot speak for it, but I know my own actions in this were an effort to ensure that the Opposition was fully . . . had the same capability of dealing with this Act as Members of the Government, though the Honourable Member for [constituency] 22 suggests that we did not make that same effort. So that is why I am a little bothered by his statement and it stands totally untrue, Mr. Speaker, because we made every effort to ensure that essentially that the Opposition and the Government walk together—

**Hon. Patricia J. Gordon-Pamplin:** Point of clarification.

**Hon. Walter H. Roban:** —around the Bill—

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

**Hon. Walter H. Roban:** —mindful of the urgency.

**The Speaker:** Deputy Premier, just yield for a point of order.

Madam Opposition Leader.

**POINT OF CLARIFICATION**

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

Mr. Speaker, I just think it is important for us to make sure that we have the chronology correct. And the Acting Premier called me at 10:20 yesterday morning to advise that there was going to be a meeting at four o'clock yesterday afternoon for all Members, both Opposition and Government, at the Finance Ministry to consider this particular Bill. I said to him that I would make sure that my Members were made aware, and at 10:32 I sent communication out to say that at four o'clock yesterday afternoon there would be a meeting.

That is the lateness to which my honourable colleague from constituency 22 referred, that there was a meeting at four o'clock on the day before to go over the rudiments and the content of the Bill that was going to be debated the following day. So I just wanted to make that clear. We are not suggesting there is anything untoward, it is just important that when we have legislation that has significant impact, it is important that not only do we have sufficient advance notice, but that we have the opportunity to delve into—this is quite a hefty piece of legislation—and seven days is not necessarily ample time. So we just wanted to make sure that that was clear. Thank you.

**The Speaker:** Might I suggest that we can move on past this?

**Hon. Walter H. Roban:** Yes.

**The Speaker:** Because I think there were some questions that were raised in reference to the legislation itself and let us not get bogged down on this series of conversation.

**Hon. Walter H. Roban:** Yes, Mr. Speaker, I—

**The Speaker:** I think the House—the Speaker—had been made aware that both sides had agreed to it and that is why this matter proceeded. So, let us continue on.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I just wanted to make clear what the Government's position was and the effort we made.

**The Speaker:** Just move on.

**Hon. Walter H. Roban:** I am happy to move on.

**The Speaker:** Sure, okay.

**Hon. Walter H. Roban:** But the record needs to show—

**The Speaker:** Yes, yes.

**Hon. Walter H. Roban:** —the facts.

**The Speaker:** Yes, it is done. Move on.

**Hon. Walter H. Roban:** In relation to the question . . . this issue of the lawyers and the exemption from the 1976 Act being removed is something that, yes, we are very aware of . . . has raised some concerns amongst the Bar. I have seen the communications with the Bar. And I can say that yesterday, during the period . . . and during the time that I have become abreast of this Bill, I appreciate . . . and I will declare my own interest. I have a relationship with somebody who is a long-standing practitioner of the conveyance Bar. So I am just declaring that interest. And the Honourable Attorney General shakes his head, as do others who would know. So I am aware of the nature of that practice to some degree.

Mindful of the concern, the effort was made to ensure that everyone who has a concern around this has their opportunity to ensure that they are not injured because it . . . I can see how it could be read that the way this clause was originally worded, it could put some people into a position of illegality once it passed. So, the undertaking has been made, after consultation with the Superintendent, to sit with the Bar once this Bill is passed and to immediately begin to present an amendment to the clause so that those who are the practitioners, who actually this is their normal course of business, can see relief from that standpoint.

I think what has to be understood is that we are looking to protect those who are the beneficiaries of these services—realtors as well as the legal services. There are cases in the past where there have been issues with what has happened and people who are, perhaps, not as competent as they should be have brought a situation into play which has injured someone, sometimes not in the immediate, but years later they find themselves in a serious legal situation with their property because the practitioner whom they were dealing with was not competent. And one of the efforts of this Bill is to put in place a clear international standard supervisory regime on everyone who practices real estate within the real estate space in Bermuda and to have us in compliance with our NAMLC obligations which are coming. And this Bill has to . . . okay, for us to meet that, September 30<sup>th</sup> this Bill would need to be in place.

But even outside of that, yesterday as a result of the concerns then I made this commitment to the Shadow Minister of Finance, when she visited the office to have the presentation on the Bill, that an undertaking is made by the Government to actually make sure . . . to see that this provision is revisited due to the concerns raised by the Bar. Not only did I verbally

give that commitment, but that commitment was acted on immediately.

I have here a communication from the Superintendent with the Bar Council setting up a . . . requesting an appointment with the sub-committee of those members with the Bar who will discuss this matter to bring the appropriate amendment that will provide the relief that I described. So that commitment not only has been stated, it has been acted upon, Mr. Speaker, and I do hope that that provides the Opposition with some comfort in that the Government intends to bring back and consider any changes that would assist with relief, particularly for those who are the established practitioners in the conveyancing space, that this provision of which they are concerned does not injure them.

But from the standpoint of ensuring that people, at the end of the day, those who are the beneficiaries of these services do not find themselves, because of dealing with persons who are not properly qualified or not under proper supervision, carry out transactions that injure their interests. I hope that provides an appropriate answer to that question.

Mr. Speaker, I do not know if there were any other questions. That was the chief question.

*[Inaudible interjection]*

**The Speaker:** Okay. No, no, you need to take further action. You are closing out. Do you want to move this on?

**Hon. Walter H. Roban:** I now ask that the Bill be committed, Mr. Speaker.

**The Speaker:** Thank you.  
Mr. Deputy?

**House in Committee at 3:24 pm**

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

## COMMITTEE ON BILL

### REAL ESTATE BROKERS' LICENSING ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled the Real Estate Brokers' Licensing Act 2017. I call on the Minister in charge to proceed.

Minister, you have the floor.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

Clause 1 is the standard citation clause.

I am sorry, Mr. Chairman, might I request that we do clauses 1 through 10, do it in three tranches? Is that—

**The Chairman:** Any objections to moving clauses 1 through 10?

**Hon. Walter H. Roban:** —in agreement to the Opposition.

**The Chairman:** There appear to be none.  
Carry on.

**Hon. Walter H. Roban:** And then 11 through 20 . . .

**The Chairman:** Carry on.

**Hon. Walter H. Roban:** Clause 1 is the standard citation clause.

Clause 2 is the Interpretation section along the changes made here. An "agent" is now known as a "broker" and a "salesman" is now to be known as an "agent."

Clause 3 deals with persons to whom the Act does apply.

**An Hon. Member:** Does *not* apply.

**Hon. Walter H. Roban:** Does not apply, sorry. Yes, thank you.

Lawyers, members in good standing with the Bermuda Bar who traded in the course and as part of their practice as attorneys, were exempt from the requirements of the 1976 Act. Under this Act they will no longer be exempt. Bear in mind the commitment that I have made to the House in the other period, Mr. Chairman, of which we will move on that.

Clause 4 provides the Superintendent of Real Estate is the Supervisory Authority for real estate agents and brokers for the detection and prevention of money laundering and the financing of terrorism and the proliferation of weapons of mass destruction.

Clause 5 sets out the functions of the Superintendent of Real Estate, namely, the supervision of the real estate industry, keeping under review the operation of this Act, and making a report to the Minister of his activities within six months after the end of each calendar year.

Clause 6 requires the Superintendent of Real Estate to publish a Statement of Principles, which will indicate to persons in the real estate industry how the Superintendent will carry out certain aspects of his or her licensing and supervisory functions.

Clause 7 empowers the Minister to issue to the Superintendent of Real Estate general policy directions which the Superintendent must comply with. Such directions must not conflict with the Superintendent's functions under the Act.

Clause 8 provides that a person may not trade in real estate unless he or she is licensed under the Act.

Clause 9 provides that no broker can be licensed in Bermuda unless he maintains an office in Bermuda and he meets the minimum criteria as set

out in Schedule 1 of this Act in respect of his or her real estate business.

Clause 10 provides that an agent can only be licensed where he is the agent of a broker and meets the minimum criteria set out in Schedule 1 of the Act.

**The Chairman:** Any further speakers to clauses 1 through 10?

**Mrs. Jeanne J. Atherden:** Just to say, Mr. Chairman, that bearing in mind that the Acting Minister, Finance Minister, has indicated that he will follow through on that, I think that we just need to be mindful of that . . . depending on the conversation that he has with the Bar, that it might end up being that it is not the Application of the Act that ends up being the place where you make, what I call, the adjustment. It could just as easily be section 8 which talks about Trading in Real Estate. I am just going to say that it could be one of those. I do not want us to think that it is just one place.

But I appreciate your undertaking to get together with them to come up with something that works because I think we all want to make sure that it works and get this done as quickly as possible so that we can have that full year between the new licence and the time that NAMLC people come—FATF people come, sorry.

**The Chairman:** Any further speakers?  
Mr. Deputy Premier.

**Hon. Walter H. Roban:** Just to answer on that point, Mr. Chairman. Yes, we recognise that the change made to the earlier clause might affect definitions in other places, so we are mindful that this will be taken into consideration with those discussions going forward.

Clause 11, if I can continue—

**The Chairman:** Do you want to move the first 10?

**Hon. Walter H. Roban:** I am sorry. I would like to move clauses 1 through 10, Mr. Chairman.

**The Chairman:** It has been moved that clauses 1 through 10 be approved.

Is there any objection to that motion?

There appear to be none.

Agreed to.

Carry on.

*[Motion carried: Clauses 1 through 10 passed.]*

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.  
Clause 11—

**The Chairman:** Would you do [clause] 11 to what?

**Hon. Walter H. Roban:** [Clauses] 11 through 30, how is that?

**The Chairman:** Thirty.

Any objections to doing [clauses] 11 through 30? There appear to be none.

Carry on, Mr. Deputy Premier.

**Hon. Walter H. Roban:** Clause 11 deals with the licensing of partnerships and companies as brokers.

Clause 12 establishes the Real Estate Advisory Board which will have responsibility for advising the Superintendent of Real Estate generally. The constitution and procedure of the Board is provided in Schedule 2 of the Act.

Clause 13 deals with powers of the Superintendent of Real Estate, namely, granting and refusing to grant licences.

Clause 14 provides that an application for a licence must be submitted on a prescribed form and accompanied by the requisite fee.

Clause 15 provides that the application must state an address for service in Bermuda.

Clause 16 provides that the Superintendent of Real Estate may require further information or verification.

Clause 17 provides for the revocation of a licence. Paragraphs (a) to (c) set out the grounds of revocation, namely: (a) if the minimum criteria set out in Schedule 1 is not met; (b) if there is failure to comply with the terms and conditions of a licence; and (c) if false, misleading, or inaccurate information was provided on an application to the Superintendent.

Clause 18 requires that the Superintendent of Real Estate give notice to a broker or agent where he proposes to revoke his licence. The Superintendent is required to notify the broker or agent of his intention and of the grounds of his proposed action.

Clause 19 provides for the surrender of a licence by a broker or agent.

Clause 20 requires that the broker notify the Superintendent of Real Estate of: (a) a change in the address for service; (b) a change in the partners in case of a partnership; and (c) the commencement and termination of employment or association with each agent.

Clause 21 provides the Superintendent of Real Estate power to investigate or authorise someone to investigate a complaint or whenever the Superintendent deems it necessary in respect of: (a) a matter concerning the due administration of this Act or any other Act; or (b) the circumstances surrounding a transaction or matter or action done by a broker or agent, whether or not they are licensed.

Clause 22 deals with matters incidental to investigations under clause 21.

Clause 23 deals with the books and accounts that brokers must keep. Just a minute . . .

*[Pause]*

**The Chairman:** Go ahead.

**Hon. Walter H. Roban:** Mr. Chairman.

**The Chairman:** Yes.

**Hon. Walter H. Roban:** I beg your indulgence. I have been made aware of a technical officers, there is an amendment that needs to be made. I was not aware and I—

**The Chairman:** We have not seen it. Any amendment should come first.

**Hon. Walter H. Roban:** I apologise. I was not aware of this.

**The Chairman:** Make sure the Opposition gets it and make sure we get it.

**Hon. Walter H. Roban:** The Sergeant-at-Arms has the copies. I was not aware that this was here, so I beg your indulgence—

**The Chairman:** Carry on.

**Hon. Walter H. Roban:** —so I can deal with it.

**The Chairman:** Maybe you want to go to the next and then just give the Opposition time—

**Hon. Walter H. Roban:** —yes we can do this after I finish reading those clauses up to 30.

**The Chairman:** Agreed.

**Hon. Walter H. Roban:** My apologies to the House for the delay.

**The Chairman:** Accepted.

**Mrs. Jeanne J. Atherden:** Mr. Chairman.

**The Chairman:** Yes, Honourable Member.

**Mrs. Jeanne J. Atherden:** In the normal practice, if one was going to make an amendment . . . we would stop after [clause] 22. So shall we just go to [clause] 22 and then we can make the amendment.

*[Inaudible interjections]*

**Mrs. Jeanne J. Atherden:** You are making something on [clause] 22, so shall we just go to [clause] 21 so we can deal with questions? And then afterwards we can make the amendment in [clause] 22 and then go forward.

**The Chairman:** Well, we can do it that way, but it is not . . . we do not have to.

**Hon. Walter H. Roban:** I was going to read right to [clause] 30 and then we can go back and make that amendment—

**The Chairman:** Carry on.

**Hon. Walter H. Roban:** —and then move forward from there, Mr. Chairman, if that is fine with you.

**The Chairman:** That is fine, fine.

**Hon. Walter H. Roban:** Clause 23 deals with the books and accounts that brokers must keep.

Clauses 24 and 25, no action may be brought for a commission or remuneration or for the recovery of a commission or remuneration in connection with services rendered in connection with a trade in real estate unless at the time of rendering the service, the person bringing the action was a licensed broker.

Clause 26 provides that no broker or agent may make a representation regarding: (a) reselling or in any way guaranteeing or promising to sell real estate offered for sale by him; (b) sell any of the purchases of real estate; or (c) procure a mortgage, lease, or extension of a lease.

Clause 27 provides for the information that must be stated in an advertisement to purchase, sell, exchange, or lease real estate.

Clause 28 provides that a broker may not employ or remunerate another broker's agent.

Clause 29 provides that an unlicensed person may not be remunerated for trading in real estate.

Clause 30 prohibits a broker generally from purchasing real estate listed with him and the circumstances where he may do so.

**The Chairman:** Deputy Premier, do we want to deal with the matter with [clause] 22 first?

Thank you.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

I hope that that gave time for people also to consider the amendment. That was one reason why I was happy to read all of that area.

And I will read the amendment, Mr. Chairman.

**The Chairman:** Yes.

#### AMENDMENTS TO CLAUSE 22

**Hon. Walter H. Roban:** The Real Estate Brokers' Licensing Bill 2017 be amended in clause 22 as follows: in subsection (2), by deleting the word "Minister" and substituting "Superintendent of Real Estate"; and in subsection (4) by inserting the words "of Real Estate" after the word "Superintendent."

In Schedule 3 by deleting the section—

**Hon. Patricia J. Gordon-Pamplin:** We have not reached the Schedules yet.

**Hon. Walter H. Roban:** Oh, I am sorry. I will stop there. Yes.

**The Chairman:** Carry on.

**Hon. Patricia J. Gordon-Pamplin:** Yes, just for clarity, Mr. Chairman, if the Minister could just read how the new clause—

**The Chairman:** Would read?

**Hon. Patricia J. Gordon-Pamplin:** —sentence is supposed to read and that would help.

**Hon. Walter H. Roban:** I just read it.

**Hon. Patricia J. Gordon-Pamplin:** No, you just said—

**The Chairman:** Do it again.

**Hon. Patricia J. Gordon-Pamplin:** —implementing, deleting . . . just read the whole thing as it ought to be.

**Hon. Walter H. Roban:** I did read . . . I thought that was what I did, Mr. Chairman.

**The Chairman:** Well, do it again, that is fine. You can do it again.

**Hon. Walter H. Roban:** Okay.

**The Chairman:** We have got time.

**Hon. Walter H. Roban:** In clause 22, in subsection (2) by deleting the word “Minister” and substituting—

**Hon. Patricia J. Gordon-Pamplin:** Sorry, sorry, Mr. Chairman.

What I am asking the Honourable Member to do is to go to clause 22, subsection (2) saying that clause 22, subsection (2) now reads: “A person who has the custody . . .” not by deleting . . . not taking into account the amendments, but reading the clause as it ought to exist, just for clarity for the Hansard.

**The Chairman:** Can you . . .

**Hon. Walter H. Roban:** I thought I did read clause 22 already.

**The Chairman:** Do it again, Deputy [Premier].

**Hon. Patricia J. Gordon-Pamplin:** Just clause 22 reads.

**Hon. Dr. E. Grant Gibbons:** She is asking you to read what it sounds like after the amendment.

**Hon. Patricia J. Gordon-Pamplin:** After the amendment.

**Hon. Walter H. Roban:** Yes, I read the amendment, Mr. Chairman.

**The Chairman:** Deputy Premier, will you do it again, please?

**Hon. Walter H. Roban:** Okay.  
I am reading the amendment—

**The Chairman:** Yes, but read it as it would sound in the actual Act after the amendment is done.

**Hon. Patricia J. Gordon-Pamplin:** After the amendment.

**Hon. Dr. E. Grant Gibbons:** How does the clause read after the amendment?

**The Chairman:** Yes, after the amendment has been made.

*[Crosstalk]*

**Hon. Walter H. Roban:** Just a moment, Mr. Chairman.

*[Pause]*

**Hon. Walter H. Roban:** Mr. Chairman, I think this is pretty straightforward. I am merely deleting words from the existing clause 22.

**The Chairman:** You are deleting and you are adding.

**Hon. Walter H. Roban:** And I will read it as it is going to read—

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

**Hon. Walter H. Roban:** —clause 22.

**The Chairman:** Thank you Deputy [Premier].

**Hon. Walter H. Roban:** Clause 22: “Production of documents.” Subsection (2) will read as such: “A person who has the custody, possession or control of the books or documents referred to in subsection (1) shall within five business days of a demand produce and permit the inspection of them by the” (instead of the Minister, it will read) “Superintendent of Real Estate or

a person authorised by the Superintendent of Real Estate.”

That is it. So I am deleting “Minister” and putting in “Superintendent of Real Estate.” Pretty straightforward, I think.

**The Chairman:** Thank you.

**Hon. Walter H. Roban:** And what I read indicated that I was deleting [the word] “Minister.”

**The Chairman:** Thank you. That is okay.  
Any speakers? Any further speakers?

**Hon. Patricia J. Gordon-Pamplin:** Just also, Mr. Chairman, for the purposes of subsection (4) of [clause] 22, similarly. I will just go through it very quickly if the Minister does not mind.

It will now read—if the Minister can confirm—“Where an investigation is being carried out under section 21, the Superintendent of Real Estate or the person conducting the investigation may seize and take possession of documents, books, papers, correspondence, communications or records of the person or the business which is being investigated.”

And that is how it will read after the amendment?

**Hon. Walter H. Roban:** Yes, in the following subsection (4) it is adding in [the words] “of Real Estate” as I have indicated in the amendment that I read.

**The Chairman:** Right.

**Hon. Walter H. Roban:** So perhaps they do not have a copy of the Act where they could themselves see it, but that is exactly what I described here in this amendment.

**The Chairman:** Any objections to the amendment?

**Hon. Dr. E. Grant Gibbons:** No.

**The Chairman:** No objections.  
The amendments to clause 22 are approved.

*[Motion carried: Amendments to clause 22 passed.]*

**Hon. Walter H. Roban:** May I ask that clauses 11 through 30 be—

**The Chairman:** Wait one second.  
Honourable Member?

**Mrs. Jeanne J. Atherden:** I did not have a question on [clause] 22, but I did have a question on the rest of the [clauses] 11 through 30.

**Hon. Walter H. Roban:** No problem.

**The Chairman:** Go ahead, Honourable Member.

**Mrs. Jeanne J. Atherden:** I just, with respect to clauses 22 and 23, the “Production of documents” and the [“Broker’s Accounts.”]

I guess I would like to ask the Acting Minister, is there any . . . I know that we are saying that we are just sort of changing the words around, we are putting in “Superintendent” and we are sort of making sure that all of these things are just updating stuff, but is any of this going to add, what I call, more . . . I do not want to say “red tape” because I believe “red tape” implies that it is not something that is good.

I understand the need to have this, but is this going to add to the complexity of persons who are potentially existing now as real estate agents or real estate brokers? Because we always keep hearing people talk about *the little man* and are we going to make it more difficult for the little man to stay in business. And so I just wondered whether [if], at the current time, these things are already required to be produced so that a little man, per se, should not have to worry about doing it? And anybody that decides that they want to go into business should not find it onerous to be able to comply with these requirements.

**Hon. Walter H. Roban:** Mr. Chairman, I can answer that.

All we are doing with this Act is ensuring that the supervision and actions around real estate are no longer in the hands of the Minister. It is now where we are creating, as per NAMLC [*sic*] requirements, an independent supervisory body that has all those powers which are moved from the Minister and it is clear as to how the supervision of the real estate industry is going to be. It is adding no additional bureaucracy to the supervision; it is merely making sure that all those activities which were over with the Minister are clearly under a distinct, identifiable, supervisory body going forward for the purposes of our complying with NAMLC [*sic*] going forward.

**The Chairman:** Thank you, Deputy [Premier].

Any further speakers?  
Minister, Deputy Premier, do you want to move clauses 11 through 30.

**Hon. Walter H. Roban:** And I will just correct that. That is [FATF], not NAMLC.

**Mrs. Jeanne J. Atherden:** FATF.

**Hon. Walter H. Roban:** F-A-T-F, sorry. But it is all bundled up for us these days anyway.

**Mrs. Jeanne J. Atherden:** The alphabet.

**Hon. Walter H. Roban:** Yes. I wish to move clauses 11 through 30, Mr. Chairman, as read.



**Some Hon. Members:** As amended.

**Hon. Walter H. Roban:** And as amended, sorry.

**The Chairman:** It has been moved that clauses 11 through 30, as amended, be approved.

Is there any objection to that motion?

There appear to be none.

Agreed.

*[Motion carried: Clauses 11 through 30 passed as amended.]*

**The Chairman:** Minister, carry on.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.  
Clause 31 sets out the duties of an agent.

**The Chairman:** What are you doing, [clause] 31 through?

**Hon. Walter H. Roban:** I am sorry, [clause] 31 to . . . I can go right through if that is for the appetite of Members of the House.

**The Chairman:** No objection to that?

*[Inaudible interjection]*

**Hon. Walter H. Roban:** Thank you.  
Mr. Chairman, I should be obliged.

**The Chairman:** Yes, carry on. Carry on, Deputy Premier.

**Hon. Walter H. Roban:** Thank you.

Clause 31 sets out the duties of an agent.

Clause 32 provides that a broker or agent may not induce a party to break a contract for the purpose of entering into a contract with another principal.

Clause 33 deals with commission and other remuneration and provides how they are to be determined.

Clause 34 deals with agreements to list real estate.

Clause 35 empowers the Superintendent of Real Estate to impose civil penalties for failure to comply with any requirement or contravention of any prohibition imposed by or under the Act.

Clause 36 makes provision for imposing fines. The Superintendent of Real Estate is required to give a warning notice first, followed by a decision notice.

Clauses 44 and 45 make provision for the contents of such notices.

Clause 37 provides for the public censure of a real estate broker or a real estate agent that has contravened the provisions of the Act. The Superintendent may publish a statement to that effect.

Clause 38 requires the Superintendent of Real Estate to give a warning notice and a decision notice to a broker or an agent of a proposal or a decision, respectively, to publish a statement under section 38.

Clause 39 empowers the Superintendent of Real Estate to make a prohibition order prohibiting an individual from performing any function in relation to being a broker or an agent if that individual is not a fit and proper person to perform those functions.

Clauses 40 through 42. The Superintendent of Real Estate is required to have regard to certain matters exercising discretion to issue a prohibition order. The requirement that real estate brokers and agents be fit and proper persons is a common requirement under regulatory Acts. A broker or agent who performs or agrees to perform a function in breach of the order would be liable to a civil penalty under section 36. The Superintendent may revoke or amend a prohibition order if he or she is satisfied that a person in respect of whom an order is made has become a fit and proper person.

Clause 43 allows for the issue of injunction [orders] by the Supreme Court on application of the Superintendent of Real Estate.

Clauses 45 through 47 set out the initial steps to be taken by the Superintendent of Real Estate in any disciplinary measures he seeks to impose under the Act. The provisions require the Superintendent to give due process to any broker or agent he has the power to impose disciplinary measures on beginning with the warning notice.

Clause 48 provides that a person aggrieved by a decision of the [Superintendent] may appeal to the Supreme Court.

Clause 49 deals with offences and penalties.

Clause 50 provides a mechanism for the recovery of civil penalties imposed under the Act. The Superintendent of Real Estate may claim the amount owing by way of civil proceedings in court. The clause also directs that where a person is convicted of a criminal charge, no civil penalty can be imposed relative to the same matter.

Clause 51 provides that a prosecution under this Act may be commenced within three years of the date that the offence is alleged to have been committed.

Clause 52, a statement as to the licensing or non-licensing of a person under this Act, purporting to be certified by the Superintendent, shall, without proof of the office or signature of the person certifying, be receivable in evidence so far as relevant for all purposes in any action, proceeding or prosecution.

Clause 53, Mr. Chairman, empowers the Minister to make Regulations for the effective implementation of the provisions of this Act. The negative resolution procedure shall apply to Regulations made under this section.

Clause 54 confers protection from liability for acts done, or omitted to be done, in good faith by the Superintendent of Real Estate or any person who is or is acting as an officer or servant on his behalf in good faith.

Clause 55 makes consequential amendments and provides for other consequential amendments to be provided in Schedule 3.

Clause 56 repeals the Real Estate Agents' Licensing Act 1976, and makes provision for the saving of the Real Estate Agents' Licensing Regulations 1977 and provides for transitional provisions for: (1) persons licensed under the repealed Act to be considered licensed under this Act; and (2) that licences granted under the repealed Act due to expire on 30<sup>th</sup> September 2017 will be extended until 30<sup>th</sup> November 2017.

The only other thing I have to do is the amendment in the Schedule, which I made reference to earlier.

**The Chairman:** Thank you.

Any further speakers?

The Honourable Shadow Finance Minister.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Chairman.

Acting Minister, I just have one question with respect to [clause] 51. It says "Notwithstanding section 80 of the Criminal Jurisdiction and Procedure Act 2015, a prosecution under this Act shall be commenced within three years from the date on which the offence is alleged to have been committed."

And I am just mindful of the fact when we were earlier talking about some other real estate deals that might have or not have taken place, et cetera, and time has sort of marched on, I am just wondering whether those type of things, if they were future issues, whether there then would be a requirement for whoever the bodies are that have the responsibility for this to get on and make sure that within three years some sort of prosecution would have taken place. And I guess the question is, if it did not take place what would happen?

**The Chairman:** Deputy Premier, do you want to respond to that?

**Hon. Walter H. Roban:** Mr. Chairman, I suspect that, perhaps, other limitations under the law might apply here and allow for a proper prosecution to be made. But I will confirm details of that and I will undertake it to inform the Honourable Member exactly on that point.

**The Chairman:** Any further speakers?

There appear to be none.

Do you want to move clauses 31 through 56, Minister?

**Hon. Walter H. Roban:** Mr. Chairman, I ask that we approve clauses 31 through 56.

**The Chairman:** Yes. It has been moved that clauses 31 through 56 be approved.

Is there any objection to that motion?

**Some Hon. Members:** No.

**The Chairman:** There appear to be none.

Agreed to.

*[Motion carried: Clauses 31 through 56 passed.]*

**The Chairman:** Do you want to deal with the Schedules now?

**Hon. Walter H. Roban:** Yes, I would like to move the amendment to the Schedule, Mr. Chairman.

In Schedule 3 by deleting section—

**The Chairman:** Are you moving Schedules 1 through 3?

**Hon. Walter H. Roban:** Yes, but I have an amendment that I would also—

**The Chairman:** Yes.

**Hon. Walter H. Roban:** I would like to state the amendment first and then move it after we finish and approve the amendment.

**The Chairman:** Go right ahead.

### AMENDMENT TO SCHEDULE 3

**Hon. Walter H. Roban:** In Schedule 3 by deleting the [words] "(Section 56)" in brackets, following the heading of the Schedule, and substituting [the words] "(Section 55)". It is just changing one number.

Thank you, Mr. Chairman. So I ask that we move the Schedules 1 through 3.

**The Chairman:** Yes, it has been moved . . . any objections? Any further speakers, I should say?

**Hon. Dr. E. Grant Gibbons:** Yes, Mr. Chairman, you have got another typo on page 23, Schedule 1, (Section 1(1)(b)). You have got two semicolons there, if we are dealing with typos.

**The Chairman:** Yes, I see.

*[Crosstalk]*

**The Chairman:** That is just a typo.

Any further speakers?

Deputy Premier?

**Hon. Walter H. Roban:** Mr. Chairman, I am advised that Chambers can make that correction on the Schedule.

**The Chairman:** Okay.  
So you are moving the Schedules?

**Hon. Walter H. Roban:** Yes, I wish to move the Schedules, 1 through 3.

**The Chairman:** It has been moved that Schedules 1 through 3 be approved, as amended.  
Is there any objection to that motion?  
There appear to be no objections.  
Agreed to.

*[Motion carried: Schedules 1 through 3 passed as amended.]*

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.  
I would ask now that the Bill be reported to the House as amended.

**Hon. Dr. E. Grant Gibbons:** The Preamble.

**The Chairman:** Well, you have got to move the Preamble.

**Hon. Walter H. Roban:** I am sorry, I move the Preamble. I move that the Preamble be approved.

**The Chairman:** It has been moved that the Preamble be approved.  
Is there any objection to that motion?  
There appear to be no objections.  
Agreed to.  
Continue.

**Hon. Walter H. Roban:** I move that the Bill be reported to the House, as amended.

**The Chairman:** It has been moved that the Bill be reported to the House as printed and as amended.  
Is there any objection to that motion?  
There appear to be no objections.  
Agreed to. The Bill will be reported to the House as printed and as amended.

*[Motion carried: The Real Estate Brokers' Licensing Act 2017 was considered by a Committee of the whole House and passed with amendments.]*

**House resumed at 3:56 pm**

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

## REPORT OF COMMITTEE

## REAL ESTATE BROKERS' LICENSING ACT 2017

**The Speaker:** Any objections to the [Bill] as amended?

No objections? We will move on to . . . oh, that completes the last item on the Order Paper today that was done. We are going to carry over [Orders Nos.] 9 and 10.

*[Inaudible interjection]*

**The Speaker:** Yes, and we will now do third readings, Ministers.

## SUSPENSION OF STANDING ORDER 21

**Hon. Walton Brown:** Good afternoon, Mr. Speaker. I am just standing in for the Minister of Health—

**The Speaker:** Go right ahead, Minister.

**Hon. Walton Brown:** —who decided to vacate the Chambers temporarily.

I move that [Standing Order 21] be suspended for me to allow the third reading of the Quarantine Amendment Act 2017.

**The Speaker:** Yes, continue.

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

## BILL

## THIRD READING

## QUARANTINE AMENDMENT ACT 2017

**Hon. Walton Brown:** I move that the House do now approve the Quarantine Amendment Act 2017.

**The Speaker:** Any objections to that?  
No objections.

**Hon. Walton Brown:** Mr. Speaker, I move that the [Standing Orders] be suspended to allow for the third reading of the Proceeds of Crime Amendment (No. 2) [Act] 2017.

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

**The Speaker:** Point of order?

## POINT OF ORDER

*[Procedure]*

**Hon. Patricia J. Gordon-Pamplin:** Yes.

Just before the Honourable Member goes on to the next Order he should be asking to move that

the Bill do now pass, the one that he had just read for the third time.

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

**Hon. Walton Brown:** Thank you, honourable colleagues. I am happy to be guided.

I move that—

**The Speaker:** You were doing [Order] No. 5. You have done Order No. 5, you move that to pass before you go on to Order No. 6.

**Hon. Walton Brown:** I move that the Quarantine Amendment Act 2017 do now pass.

**The Speaker:** Okay. It is passed.

*[Motion carried: The Quarantine Amendment Act 2017 was read a third time and passed.]*

**The Speaker:** Do you want to continue or are you going to let the substantive Minister?

**Hon. Walton Brown:** Well, now that she has returned she can proceed.

**The Speaker:** Okay.

Minister, would you like to do [Order] No. 6?

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

**The Speaker:** Third reading.

**An Hon. Member:** The Regulations were passed.

**Hon. Kim N. Wilson:** Mr. Speaker, that is right.

**The Speaker:** Oh, that is right, that is right. The Regulations do not . . . okay, fine.

We will now move on.

Deputy Premier, are you going to do No.—

**Hon. Kim N. Wilson:** Ah, Mr. Speaker?  
[Order] No. 4, the Proceeds of Crime.

**The Speaker:** [Order] No. 4, yes, yes.

#### SUSPENSION OF STANDING ORDER 21

**Hon. Kim N. Wilson:** Mr. Speaker, I move that Standing Order 21 be suspended to enable to me to move that the Bill entitled Proceeds of Crime Amendment (No. 2) Act 2017 be now read the third time by its title only.

**The Speaker:** Yes.

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

## BILL

### THIRD READING

#### PROCEEDS OF CRIME AMENDMENT (NO. 2) ACT 2017

**Hon. Kim N. Wilson:** I now move that the Bill do now pass.

**The Speaker:** Any objections to that?

No objections.

It has passed.

*[Motion carried: The Proceeds of Crime Amendment (No. 2) Act 2017 was read a third time and passed.]*

**The Speaker:** Deputy Premier, you do [Order] No. 8, No. 1?

**Hon. Walter H. Roban:** One, two, three and eight.

**The Speaker:** Well, let us do [Order] No. 1 first.

**Hon. Walter H. Roban:** One, yes, of course.

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** I now move that Standing Order 21 be suspended to enable me to move the Bill entitled Companies Amendment (No. 2) Act 2017 be now read a third time by its title only.

**The Speaker:** Any objections to that?

No objections.

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

## BILL

### THIRD READING

#### COMPANIES AMENDMENT (NO. 2) ACT 2017

**Hon. Walter H. Roban:** I now move that the Bill do now pass.

**The Speaker:** No objections?

Passed.

*[Motion carried: The Companies Amendment (No. 2) Act 2017 was read a third time and passed.]*

**The Speaker:** You can do the next item, [Order] No. 2.

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** I now move that Standing Order 21 be suspended to enable me to move that the Bill entitled Payroll Tax Amendment (No. 3) Act 2017 be now read a third time by its title only.

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

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

## BILL

### THIRD READING

#### PAYROLL TAX AMENDMENT (NO. 3) ACT 2017

**Hon. Walter H. Roban:** I now move that the Bill do now pass.

**The Speaker:** Any objections?  
It has now passed.

*[Motion carried: The Payroll Tax Amendment (No. 3) Act 2017 was read a third time and passed.]*

**The Speaker:** Deputy Premier, you can continue with Order No. 3.

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** I now move that Standing Order 21 be suspended to enable me to move that the Bill entitled USA–Bermuda Tax Convention (No. 3) Amendment Act 2017 be now read a third time by its title only.

**The Speaker:** Any objections to that?  
No objections.  
Continue on, Deputy Premier.

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

## BILL

### THIRD READING

#### USA–BERMUDA TAX CONVENTION (NO. 3) AMENDMENT ACT 2017

**Hon. Walter H. Roban:** I now move that the Bill do now pass.

**The Speaker:** Any objections?  
It has now passed.

*[Motion carried: The USA-Bermuda Tax Convention (No. 3) Amendment Act 2017 was read a third time and passed.]*

**The Speaker:** Deputy Premier, would you like to move Order No. 8?

#### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** I now move that Standing Order 21 be suspended to enable me to move that the Bill entitled: the Real Estate Brokers' Licensing Act 2017 be now read a third time by its title only.

**The Speaker:** Any objections to that?  
No objections.  
Continue, Deputy Premier.

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

## BILL

### THIRD READING

#### REAL ESTATE BROKERS' LICENSING ACT 2017

**Hon. Walter H. Roban:** I now move that the Bill do now pass.

**The Speaker:** No objections.  
The Bill has now passed.

*[Motion carried: The Real Estate Brokers' Licensing Act 2017 was read a third time and passed.]*

**The Speaker:** Deputy Premier?

## ADJOURNMENT

**Hon. Walter H. Roban:** Mr. Speaker, I do now ask that the House do adjourn until its next sitting in seven days.

**The Speaker:** Does any Member wish to speak to . . . okay. I caught the eye of the Member from constituency 10, the Honourable Member, Mr. Dunkley.  
Mr. Dunkley, you have the floor.

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker, and good evening to you, colleagues.

Before I get started on the comments I wanted to make, I just want to take this opportunity since we appear to be finishing at an early stage tonight to wish one of our Members a happy 32<sup>nd</sup> birthday. Our colleague from constituency 20, I think turns 32 today.

*[Inaudible interjections]*

**The Speaker:** You said 32<sup>nd</sup>?

*[Inaudible interjections]*

**The Speaker:** All right.

**Hon. Michael H. Dunkley:** Anyway—

*[Inaudible interjections]*

**The Speaker:** I thought you were pretty good at math, Honourable Member. But I may question that now, but we will accept it.

### GAMING

**Hon. Michael H. Dunkley:** Mr. Speaker, I rise tonight to take some time in the motion to adjourn to address the subject of gaming which has caused me to think deeply over the last couple of weeks because I am concerned about the lack of direction at this time. Mr. Speaker, I am very concerned that if we do not conduct ourselves in an appropriate way to move it forward, gaming will never happen in Bermuda.

There are a couple of points that I want to speak to tonight, Mr. Speaker. And simply put, I am concerned because if the structure is not set up properly for the betterment of our people, for the progress of Bermuda, and of course, for the [investment] that will take place, we will never see it get off the ground.

Mr. Speaker, I am sure you are well aware that when you consider gaming, there are many things that have to be considered. First and foremost, we need to have the legislation and we need to have the regulations that are appropriate to build that model, or to build that mousetrap that is effective for the people of Bermuda. So, not only is it the operations of the casinos, but you have to be able to deal with some critical issues such as problem gaming. You have to be able to deal with the ever-present challenges such as corruption or fraud that would take place. That is a reality of the industry when you look at gaming.

Now, Mr. Speaker, when the current Government was in the Opposition, I had to give them credit. They did a very good job of being very critical of the Government of the day. And I think, to some extent that was helpful. But in many other extents it impeded the progress of gaming as we [tried to] go forward. I say that, Mr. Speaker, because I think there was some unfair criticism. I think there was some misinformation from time to time. And I think that Members used their immunity on the floor of the House of Assembly to launch unwarranted attacks on individuals who could not defend themselves. And all of this I think has slowed down the progress of gaming which is vital for our tourism industry to continue to rebound.

I note today, Mr. Speaker, as I speak, it may be over at the present time, but there is a public meeting being held at BUEI [Bermuda Underwater Exploration Institute], I believe, to consider the first licence applications by the Princess group, and so we are trying to move it forward, but there is still much work

that has to be done. And I am going to lay out a few points in my comments here today on why I am concerned about it.

So, Mr. Speaker, today as I speak the shoe is on the other foot. For four and a half years the Opposition PLP was very critical of the Government in many ways, but today, now, they are the Government, so they need to lead. They need to move this matter forward. I know there is a lot on their plate. I know that there is a lot that has to be tackled. There are a lot of issues to deal with, and that never changes. It seems like every time you deal with one there are two more that pop up. Gaming is an issue that a lot of work has been put into, and I hope we have laid a foundation that will work and I hope we can move it forward. But the challenge of being a good government is to juggle all of the issues you have and to deal with them in an appropriate way.

Today we just saw seven pieces of legislation that were passed that were carryovers from the former Government, so clearly, the current Government has an agenda that they are following and they managed to bring seven items to the table today to deal with . . . that were important for our country. And gaming is another of those issues that are very important for our country. So, I was disappointed last week not to see much comment about gaming in the Throne Speech and it caused me a significant concern.

[In regard to] the comments from the Opposition Leader in the Reply to the Throne Speech, I was somewhat astonished that they were met [with] such a strong reaction from some Members on the other side, Mr. Speaker. And I am not going to delve into those comments specifically, but I am reflecting generally on the importance of gaming and how we have to get it right. I raise that point today because in spite of those protestations and those concerns that were raised by Government Members, we still have not had the issue cleared up about the trip to New York. It was in the papers again today. It has been in the papers all week.

Now, Mr. Speaker, I raise it because for Government Members who profess to want to always be open, accountable, and transparent, the easiest way to deal with the problem is not to protest where the information came from, but to state what the intention of the alleged planned trip was, and move on from there.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** Just move on from there, Mr. Speaker. Because I hear Honourable Members—

**The Speaker:** Gentlemen. Honourable Members. Members.

**Hon. Michael H. Dunkley:** —already starting to make some noise on that side. I expected that, Mr. Speaker.

*[Inaudible interjections]*

**The Speaker:** Members.

**Hon. Michael H. Dunkley:** But I hear Honourable Members want to raise the standards of accountability, not only in this House, but in the ministerial code of conduct, and there is an easy way of doing that. It is to be open and to say what was going on. Because, Mr. Speaker, I found it strange . . . and I think the Opposition Leader had it right, *strange bedfellows*. I found it strange that two Members of the PLP would allegedly be going to New York with two former Members of the OBA who both professed to have gaming intentions and who were Independent.

**Hon. Zane J. S. De Silva:** Point of order, Mr. Speaker.

**The Speaker:** What is your point of order? We will take your point of order.

#### POINT OF ORDER

*[Misleading]*

**Hon. Zane J. S. De Silva:** The Honourable Member is certainly misleading the House and the people of Bermuda. He just said that his two former ministers had gaming intentions. If he does not have any proof of their gaming intentions, then I would respectfully ask that those [comments] be withdrawn.

**The Speaker:** Okay. Your point is noted.  
Mr. Dunkley, continue.

**Hon. Michael H. Dunkley:** Mr. Speaker, the Honourable Member should listen carefully. I never said “former ministers.” I said—

*[Inaudible interjections]*

**Hon. Zane J. S. De Silva:** No I didn't.

**Hon. Michael H. Dunkley:** Oh, you said it.

**Hon. Zane J. S. De Silva:** You said former colleagues.

**Hon. Michael H. Dunkley:** I never . . . former colleagues. Exactly right.

Now, Mr. Speaker, the record is clear. Both of those Members, and Lord rest his soul, one Member has passed away as the honourable colleague and Minister of National Security said, both of those Members had specifically mentioned that they have clients in gaming.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** So what?

**Hon. Michael H. Dunkley:** So the point of order is just mischievous and has no background information to it. And the Honourable Member from constituency 6, says, *So what?*

Well, so what?

Mr. Speaker, here is a “so what.” Why deny it? Just say what it was about. Just say it was a boys trip to hang out in New York, or it was a makeover trip for some members of the group, or we went away to play cards, or we went away to meet a political consultant.

**Hon. Wayne L. Furbert:** Why do I have to tell you?

**Hon. Michael H. Dunkley:** Why? Why not tell me? You can tell the people of Bermuda.

Now all of a sudden, Mr. Speaker, the Member from constituency 6 is moving back from the openness and transparency that this Government wants to hang to a hat on. That is dangerous. That is dangerous.

And you know, the Honourable Member from [constituency] 27 says he going to go down to Casey's tonight and have a drink. Well, maybe I will join him; we can talk. Maybe he will tell me what happened.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** Maybe he will tell me what happened, Mr. Speaker, but you know, if—

**Hon. Derrick V. Burgess, Sr.:** Point of order, Mr. Speaker.

**The Speaker:** Point of order?

#### POINT OF ORDER

*[Imputing improper motives]*

**Hon. Derrick V. Burgess, Sr.:** Yes, Mr. Speaker, the Member is violating [Standing Order] 19(11)(f). No Member shall impute improper motives toward any Member. You know, Mr. Speaker, if I am going on a trip with Grant Gibbons, that is no business of anybody.

*[Inaudible interjections]*

**Hon. Derrick V. Burgess, Sr.:** That is not a Government trip. There was no Government business. There was no Government Minister in that trip. So why is it such an issue on a special trip? That Member needs to withdraw those remarks.

**The Speaker:** Thank you. Point made.

**An Hon. Member:** Just tell the truth.

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

I am not [imputing] improper motives on any Member. But if Members want to wear that shoe like that, it is going to wear out really quickly, Mr. Speaker. So just tell what actually was going to take place. That is all you have to do.

Well, Mr. Speaker, that is the first point I want to make about gaming. If Honourable Members, some Members on that side . . . because I think there are a number of Members on that side who understand the need when you deal with the subject of gaming and setting up an industry that is fraught with challenges from the day it is set up. Look, gaming, in parts of the world, is probably the biggest money launderer there is. So, with a jurisdiction like Bermuda, why would all of us—all 35 of us in this House who debate every week issues—not want to set that mousetrap right? And why would we not want to be open and honest and accountable for stuff, Mr. Speaker? It is simple; it is elementary. But if some Members want to protest, they doth protest too much. And I will keep asking questions, Mr. Speaker. I will keep asking questions, and my colleagues will keep asking questions, because that is our job.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** That is our job, Mr. Speaker. And if they get upset, it will not bother me, Mr. Speaker. I speak through you to the people of Bermuda and I respect what you have to do, Mr. Speaker. So if the Honourable Members do not clear this up, that is one more nail in the coffin of gaming of what they want to do.

Secondly, Mr. Speaker, I recall constant criticism in this House directed at the executive officer of the Bermuda Casino Gaming Commission, a man who has years of experience and who I believe is well respected in the gaming industry. And what bothers me the most about that, Mr. Speaker, because criticism in this House goes back and forth, and we have . . . you know, we pull up our pants every day and we come here and we do the work. We can get into what we have to do. We can stand up for ourselves. But when you criticise somebody who has no voice in this place, that is low.

Mr. Speaker, really, the person who cannot even defend himself has been criticised up here day in and day out and that has impeded the progress of gaming in Bermuda. Why, Mr. Speaker? Because I understand the gentleman has turned his notice in, in the utter frustration at politics. And I am not pointing the finger at any one person in general. I am pointing the finger at politics in general in Bermuda.

So, Mr. Speaker, after years . . . well, months of searching for a qualified executive officer, we are losing somebody with experience, [who is] well respected in the industry, and we have to start all over again. That, Mr. Speaker, in my humble opinion, will

hurt us as we move forward and I think it could hurt Bermuda as a jurisdiction. And, so, Mr. Speaker, I raise it tonight because constant criticism without foundation can hurt us going forward.

And, you know, Mr. Speaker, before I move on to my next point, I recall very clearly the constant criticism of the BTA [Bermuda Tourism Authority] when it was set up. And the constant criticism of the former CEO, Bill Hanbury, and yet, as we look at the BTA today, most people will applaud the work it does and how tourism has rebounded, Mr. Speaker. Well, obviously, I think it was wrong to take that approach, to criticise people who will not have a voice in this place, and two who are coming here to do a job that we expect them to do. Why would you not just sit down with them, have an open conversation and express your concerns? Politics? I do not know; people have to answer that.

And then shortly before the election, Mr. Speaker, I am moving on to another point . . . now that the PLP Government is here, they have to lose some of the Opposition mind-set. Shortly before the election—oh-oh, shortly before the election—the PLP held a meeting at a local hotel where the subject was supposed to be problem gaming. But, Mr. Speaker, I thought it would be interesting because I am not a gamer myself. I have been into a casino. I will play a little bit of blackjack, small amount of money, but gaming does not grab me. But gaming is it for a lot of people. But with that comes the hook that people get and they can never get away with spending money they do not have.

So problem gaming in a small community like Bermuda is big. It is huge. It is something we have to deal with. So I thought, *You know what? This is going to be a good public meeting*, because as we set up this effective gaming mousetrap, we have to deal with problem gaming. Because Lord knows, a lot of Bermudians travel for gaming. A lot of Bermudians love to go overseas for gaming, and it would be nice if we could keep some of that money here. But we do not want to keep that money here and have more of our people addicted and losing money.

So the meeting was set up and then I saw that the panel consisted of four individuals. Two from a company called Banyan Gaming. But all four individuals are selling gaming systems. And I listened intently to the meeting. I looked at the reports from the meeting. Problem gaming was hardly ever discussed. So, Mr. Speaker, what was behind that meeting? Why was the Bermuda Casino Gaming Commission not even involved in a greater extent to help try to move the process forward? If you are interested in problem gaming, let us deal with it. Let us get the experts in the room. Let us do it! Let us not invite four individuals down, well, three separate entities down, to talk about selling their wares to the people of Bermuda. That caused me a little bit of concern.



Now, Mr. Speaker, any jurisdiction that sets up gaming must rightly be concerned about the challenges of problem gaming, corruption, and fraud. And if you do not get it right, it is never going to get off the ground. So before the licences are issued, you have to have the legislation. And Members who have been in this place for four, five, six years are well aware that we passed legislation. Members who have been in this place for that time are well aware that we have talked about regulation. Now, Mr. Speaker, the former Government moved forward, and I believe moved forward at a reasonable pace with the advice of the Bermuda Casino Gaming Commission to draft regulation that would be the final stamp to allow us to move casino gaming forward in Bermuda and give us that solid framework. But, Mr. Speaker, the regulations remain outstanding today. And regulations are critical to the success of gaming because without them we cannot move forward. So I ask the Honourable Government Members, *What are the reasons for the holdup in the regulations?* I know—

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** And I knew the Honourable Members would say, *We just came here*, Mr. Speaker, but that answer does not add up. Why? Because we had seven pieces of legislation we debated today and one of them we debated at short notice to help, and I know the regulations were almost drafted or finished being drafted, when the election took place, Mr. Speaker. So, I ask—

*[Inaudible interjections]*

**The Speaker:** Wait your turn. Wait your turn, Members.

**Hon. Michael H. Dunkley:** —the question, to the Honourable Members who are upset about it, I ask the question, Are those regulations being redrafted with the advice of the Bermuda Casino Gaming Commission?

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** Now, Mr. Speaker, I hear cat calls from that side that have nothing to do with the subject. Stop thinking like Opposition and be the Government—lead.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** Now, Mr. Speaker—

**The Speaker:** Members, Members. One conversation directed to the Chair.

**Hon. Michael H. Dunkley:** Thank you and I enjoy conversation with you, Mr. Speaker.

Mr. Speaker, the final point that I will make which is a real concern about gaming is that . . . and we knew it from the very beginning. There is a challenge with banking in Bermuda. And we understand that any jurisdiction that is going to look at gaming has to set up that framework and you have to be able to have reliable banking partners with you.

I also understand, Mr. Speaker, and I think all Members of this Honourable Chamber would be aware that because of the oversight and compliance as it has changed more rapidly throughout the world recently, and as Bermuda has continued to be the focus of many of those larger countries, or organisations, we have a more critical eye cast on us. And, certainly, I think with the international business that we have on the Island, it is even more critical that we get it right. But, Mr. Speaker, we have a huge challenge in making sure that we get a banking partner for any casino that gets a licence. And we knew it would never be easy, but we believed that if we put the legislation in place properly, put the regulations in place properly, and we allowed the Bermuda Casino Gaming Commission to do what they had to do, we would get a banking partner.

Now, Mr. Speaker, here we are today, with the meeting which I previously talked about being held at BUEI, where supposedly a decision will be made about that licence in a short period of time, and I have to suggest, in my humble opinion, if it is a positive decision to award a licence, that the person who is awarded a licence will not move forward on it until the banking situation is cleared up. And the banking situation cannot be cleared up until the regulations can be cleared up. And the regulations cannot be cleared up until all Members of this House get together and deal with the regulations and make sure they are done in an appropriate way.

So, Mr. Speaker, when Honourable Members say, *We just got in and we had a lot to do*, I accept that. But you are the Government. You have to deal with these issues. And somebody is meeting today to be approved for a licence, and if we want to continue to move Bermuda forward, we have to deal with it.

Now, Mr. Speaker, I am cognisant of the time that I have here.

**The Speaker:** Three minutes.

**Hon. Michael H. Dunkley:** Yes. I have been looking at that clock.

**The Speaker:** Three minutes.

**Hon. Michael H. Dunkley:** Unlike some, I do not have to ask because I write it down.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** Mr. Speaker, I believe that over the past four and a half years, the former Government made significant progress in moving tourism forward with the support of all our partners. And at times, Mr. Speaker, to be fair, [it was] with the support of the [former] Opposition. But those times were slim. Gaming is not going to be the be-all and end-all for tourism in Bermuda, but it is another amenity where it is important that we get it right. We worked through it assiduously. We believe we started to set it up right. The Government needs to finish the job off. And we will work with you to finish the job off. But if we do not finish the job off properly, it is going to impact our jurisdiction in more ways than possible.

So, Mr. Speaker, it is time now for the Government to lead. Forget about playing politics of the Opposition. Let us get this job done in the appropriate way and answer questions to deal with issues that are impacting the people. If you have got nothing to hide, then just speak. Just speak freely, Mr. Speaker. If you have got nothing to hide, the speech will set you free.

Thank you, Mr. Speaker.

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

I recognise the Member from constituency 2. The Honourable Member, Mr. Swan, you have the floor.

### HYPOCRISY

**Mr. Hubert (Kim) E. Swan:** Mr. Speaker, good evening to you and thank you for allowing me these few minutes.

I think it was some four and a half years ago . . . two Fridays ago, it was four and a half years prior that I last came into this hallowed Chamber and I was on the grounds, save and except for a few protests that I participated in, but officially to come here for this business. And on that occasion, I came with my wife, Mr. Jonathan Starling, and a few persons who were protesting with regard to this very subject which the former Premier and the former Opposition Leader and current Member of this House, the Honourable Member from Devonshire, [constituency] 10 . . . it runs in Devonshire down to Hamilton Shelly Bay, just spoke on gaming.

A party that he once represented went to the houses and promised the people that they would come with a referendum.

**Some Hon. Members:** Yes.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** How could you come here today, Mr. Speaker . . . I will stand away because people accuse me of shouting. My voice just carries a little far.

*[Inaudible interjections]*

**The Speaker:** Go ahead.

**Mr. Hubert (Kim) E. Swan:** But, Mr. Speaker, how can you come here today and accuse a Government of less than 100 days of hypocrisy when you practiced hypocrisy to the nth degree?

*[Desk thumping]*

**Mr. Hubert (Kim) E. Swan:** I came here with my wife with a petition that I vetted. It took me six weeks. Imagine going through 3,000-plus signatures on your own and vetting them to see if they were on the voter's registration list. And I presented it to this Honourable House and Members of the then-Government ridiculed me, my wife, and Mr. Starling. [They] were caught on a hot microphone. And when challenged by my wife to apologise to her individually, that Honourable Member refused. And refuses to this day!

*[Inaudible interjections and general uproar]*

**Mr. Hubert (Kim) E. Swan:** When encouraged by the Opposition Leader at that time, Mr. Marc Bean, to man up, *Swany, you are a bigger man than me, because I probably would have . . .* You know.

But, Mr. Speaker, you cannot have it both ways in life.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** You cannot have it both ways. You cannot come here and just pontificate on hypocrisy when you practice it better than anybody in this House!

*[Desk thumping]*

**Mr. Hubert (Kim) E. Swan:** Anybody in this House!

*[Desk thumping]*

**Mr. Hubert (Kim) E. Swan:** I said nothing for those four and a half years. But I am here today by the grace of those great people down in St. George's West. God bless them!

Mr. Speaker, that Honourable Member said that . . . and this is what really . . . I had no intentions of speaking today—

**An Hon. Member:** Speak, my brother.

**Mr. Hubert (Kim) E. Swan:** Only if required. He spoke of unwarranted attacks on persons who cannot defend themselves. May Mr. Crockwell rest in peace!

*[Desk thumping]*

**Mr. Hubert (Kim) E. Swan:** How dare you!

**An Hon. Member:** How dare you!

**Mr. Hubert (Kim) E. Swan:** How dare you! The man has got a family!

**An Hon. Member:** Yes!

**Mr. Hubert (Kim) E. Swan:** He has got children.

**An Hon. Member:** Yes!

**Mr. Hubert (Kim) E. Swan:** He has got a . . . man, he has got a father that I see and I hail to because he takes his solace in going out in his truck, and he is near my mom's age, you know. And you dare—you dare—and it was even included in the Throne Speech [Reply].

It must have been your Throne Speech Reply, Honourable Member.

*[Inaudible interjections and general uproar]*

**The Speaker:** All right. Members, Members!  
Let's speak to Chair.

**Mr. Hubert (Kim) E. Swan:** Mr. Speaker, thank you for that direction, because I could not come to grips with why, after this House, these people of Bermuda returned the Government to 59 per cent . . . only once in the history of Bermuda has there ever been 61 per cent, and that was not even the time when persons of 21 years or 18 had the vote.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** So how monumental it was, the tone of that Reply. I could not wrap my mind around . . . how could you come with such a tone?

And I had the responsibility in a prior life to give a Reply to a Government that had won a landslide, a monumental, historic election in 1998. So I know what responsibility is required. But, man, Mr. Speaker, in all my days, even standing at the polls, I never dreamed that the sentiment would be such as came down. But, yet, we had to speak . . . and I could not . . . for the life of me, find the spirit of that speech. I just heard it tonight.

**The Speaker:** Mm-hmm.

**Mr. Hubert (Kim) E. Swan:** And I spoke in my Throne Speech of how a former colleague of mine who challenged me back in 2007 . . . you might have remembered one time, my first speech as Opposition Leader, first press conference, Gary Moreno. And they said, *Man, he's all wound up*. People had me all jammed up in a corner in a caucus room trying to get me not to

appoint this person, not to appoint that person, send this person out to the pasture, and I just looked back in history and saw what an Honourable Opposition had done back in the day, Mr. Speaker. And I actually did not take their advice. And I appointed that same Member!

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** But you know what that Member, whose name also would be amongst those of this alleged . . . can you believe it when you talk about hypocrisy? People are getting all wound up on that side about an alleged trip that did not take place. But if my memory serves me correctly, there was a Government where a trip actually took place.

*[Inaudible interjections]*

**An Hon. Member:** Actionable!

**Mr. Hubert (Kim) E. Swan:** Actually took place!

**An Hon. Member:** Oh, yes!

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** And people who are Members of a Cabinet actually went overseas. And there are people who went overseas and met with people who are . . . could actually, could very well be tied to gaming. And the origins of that trip will never be known because who quashed it? That same Member who is calling this Government—

*[Desk thumping]*

**The Speaker:** Members! Members!

**Mr. Hubert (Kim) E. Swan:** —who is calling this Government hypocritical today . . .

Oh, my good Lord; I know why you brought me back. It was not to be anything but where I am today!

*[Desk thumping]*

**An Hon. Member:** Amen! Amen!

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** Nowhere! To be able to stand up and really talk about some truth that is needed. Truth and reconciliation in this country! In the land where white privilege is practiced by no less than the last speaker!

And it is true! Because in my way of living, if you lose one, two, or three elections on your watch, you are gone! Any person that has been an Opposi-

tion Leader in this country would know it to be true. You lose one Honourable Member down there, and you know, planning and meetings are being held. That Honourable Member lost six, which includes his own, when he surrendered his own seat! And I must say, that was an honourable thing to do, in the spirit of trying to win. He surrendered his own seat to the former Member who almost lost it, who eventually lost it.

And I say that to say this, Mr. Speaker, the day when Bermuda can climb out of the muck and mire of the legacy of our racist past, will only happen if we get into the land of the truth, the truth of how we got there. And for those who might say, *Well, you know, we are integrating today. We are intermarrying.* Some of our families have been integrated for over 100, 200 years or more. Some by choice, and some against their will. And that is where we got to go. I happen to know a little bit about that.

A preacher asked me to give a message on Heritage Day and I could go back and tell them about my family that can connect back to Outerbridges in the very same town that I am a representative of here today. But on the other side of my family you hit the brick wall—you hit the brick wall when you come up around 1799, 1834—some of us can find our relatives back then. But we hit a brick wall.

And you know, on these walls there used to be pictures of persons that celebrated, the mould got in and the pictures had [to be] removed, but I like to reflect on how important history is. You go to any company that has been around here in this country, and the pictures on the wall tell a story. They are important. They celebrate their history. But for us, of African descent, Mr. Speaker, that wall is a brick wall around 1799, 1834, when people were celebrating. You know, when tall ships come to this Island, and they come to St. George's, they come to Hamilton Harbour, it is an educational experience—not for children to be running around looking how nice they look and all that—to tell people that those are the very ships that brought us here.

Those are the very ships that were merchant ships and we were their cargo. There is nothing wrong with that! It is as important to tell children about where they come from, but more importantly to take them back through that historical chasm to the time when we were not enslaved to our culture prior to that, to know the history about us before that because others who do not have that, do not have that issue.

And so, when we have persons coming here telling this Government that just started, you know, *This is how you should lead.* The way you led got you unelected! Why should I want to be like that?

*[Desk thumping]*

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** Why, Honourable Member? You tell me why!

**An Hon. Member:** Absolutely!

**Mr. Hubert (Kim) E. Swan:** And you talk about gambling, and you only play blackjack here and there and whatever. I mean, you know, but you gambled on us when you took the people's money and rolled it on the America's [Cup] dice, hoping that it would bring you the windfall and great promise.

*[Desk thumping]*

**The Speaker:** Members! Members!

**Mr. Hubert (Kim) E. Swan:** It did not happen.

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** Thank you.

I just want to say, Mr. Speaker, that if we want to engage in not being . . . if we really want . . . because I have heard that the Honourable Member that just spoke, . . . after the election he spoke about race. And it is easy to talk about it when you are not in a leadership position anymore. It is easy to say that you believe in truth and reconciliation when you are an Opposition Leader and then when you are the Government, do nothing.

But for those of us who live, Mr. Speaker—who live—going against the tide, sailing uphill, who get educated and still cannot get hired in this country, taken seriously in this country by business. That is a real subject that needs to be addressed. Not just glossed over! Because, Mr. Speaker, for the last four and a half years . . . you know, the good Lord works in mysterious ways.

**The Speaker:** Always.

**Mr. Hubert (Kim) E. Swan:** He sends me out to the wilderness, Mr. Speaker, to learn what it is to believe in a higher power; the same power that we pray to, every session. We turn to the east and say the Lord's Prayer. Right?

**An Hon. Member:** And other prayers.

**Mr. Hubert (Kim) E. Swan:** And other prayers. Why? Why do we do that? I want to say this, Mr. Speaker. I have been in the wilderness, without health insurance. I had to pray that I did not get sick, Mr. Speaker. Right?

*[Inaudible interjections]*

**Mr. Hubert (Kim) E. Swan:** I had to pray for blessed assurance, Mr. Speaker. And I thank God that if He takes me today, that he answered that prayer.

And He allowed me to provide notwithstanding. And then He put me in touch with ancient people whose spirit runs through my soul today, the late people like Herman “Tucci” Bascome and Earl Anderson and Hubert Smith. (Yes, the son sits in this parlour today.) That trained me in this spirit. They gave me a trade. But what it has done for me we have got to do for young people, particularly young black males, and all the black males so that they can have some mentorship.

It is not good enough to look past a man in his 50s or his 60s who has been denied opportunity in this country. It is time for us to uplift our people in a real way. The time has come when Bermudians should not be wondering whether or not they are entitled to some health insurance while we bring people in [to] this country in droves and the day they get here they have a place to stay, they have a job to go to, and they have insurance to protect them. That is what you need to wrap your mind around. And the tone of that Opposition Reply shone through today, Mr. Speaker.

That is what you call the sunshine of public scrutiny. It did not come from here; it came from above.

Thank you, Mr. Speaker.

*[Desk thumping]*

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

Does any other Member wish to speak?

Any other Member?

We recognise the Opposition Leader. Madam Opposition Leader, you have the floor.

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

Mr. Speaker, I could not but get to feet following the comments made by the Honourable Member because it is important to understand as he spoke about hypocrisy.

Mr. Speaker, I served with that Honourable Member when we both sat on this side of the House, at a time when . . . the Honourable Member just talked about denying of opportunity. At a time when that Honourable Member’s profession and his ability to feed his family was called into question because the then-Government saw it fit . . . as opposed to allowing that Member to ply his trade, they knocked down the vaulting facility from which he worked, to give him that opportunity to feed his family, Mr. Speaker. So when I hear talk about denial of opportunity—

**Mr. Hubert (Kim) E. Swan:** Point of order, Mr. Speaker.

**The Speaker:** We will take your point of order.

#### POINT OF ORDER

*[Misleading]*

**Mr. Hubert (Kim) E. Swan:** I believe the Opposition Leader is unintentionally misleading the House.

**The Speaker:** Give your point of order.

**Mr. Hubert (Kim) E. Swan:** The time sequences that the Opposition Member speaks of are not two and the same. So, they cannot be conjoined as being the point that she is trying to make. And I will just illuminate, if you will allow me a minute, Mr. Speaker—

**The Speaker:** Keep it brief.

**Mr. Hubert (Kim) E. Swan:** —because the time frame she spoke of, we actually got past that, and the time frame that she was referring to, the Honourable Member here and the general manager of Port Royal today and other members made it possible for me to go back and ply my trade. So, we got past that problem.

**The Speaker:** Thank you.

**Mr. Hubert (Kim) E. Swan:** So the two times that she speaks of, have a 10-year time lapse.

**The Speaker:** Thank you.

Madam Opposition Leader, you have the floor. Continue. The point of order was taken.

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

*[Audio feedback]*

**The Speaker:** Go ahead. Just without touching.

**Hon. Patricia J. Gordon-Pamplin:** Okay.

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** It’s good now. It’s good now. Okay. Thank you, Mr. Speaker.

Mr. Speaker, irrespective of the time frames, there was a time when I sat with that Honourable Member, as I said, and I was pained at the fact that his livelihood was snuffed out by that former Government of which he is now a Member. So, Mr. Speaker, whether it was 10 years afterward that somebody decided to hand him a bone to be able to say, *Okay, now I will give you an opportunity—*

**Mr. Hubert (Kim) E. Swan:** Point of order, Mr. Speaker. Point of order.

**The Speaker:** Point of order.

**POINT OF ORDER**

*[Imputing improper motives]*

**Mr. Hubert (Kim) E. Swan:** The point of order is that Honourable Member—and I say “Honourable”—is imputing improper motives by suggesting that someone would throw me a bone. Let me say here and now, Mr. Speaker, there are many events that I can speak on, many motions on the adjournment that can certainly speak, but I want to make one point, Mr. Speaker.

**The Speaker:** Make your point. Make your point.

**Mr. Hubert (Kim) E. Swan:** I had an issue with employment under this current Government’s administration and I wrote to every Member of the Parliament, save and except but one or two. I did not get hardly any response. So, you know, problems with regard to employment transcend governments. And I think this Government very well knows—

**The Speaker:** Thank you.

**Mr. Hubert (Kim) E. Swan:** —that that exists.

**The Speaker:** Thank you for your point of order.  
Madam Opposition Leader, continue.

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

I will reiterate the point that I made, Mr. Speaker. That I watched and worked alongside of an Honourable Member who then had the inability to ply his trade to feed his family. And I do not believe that it was done because of any particular financial challenge that came about because that golf course was operating, it was operating well under the leadership of that Honourable Member. But the comment that was made—

**Hon. Zane J. S. De Silva:** Point of order, Mr. Speaker.

**The Speaker:** Madam Opposition Leader, will you take a point of order from the Minister?

*[Inaudible interjection]*

**The Speaker:** Minister.

**POINT OF ORDER**

*[Misleading]*

**Hon. Zane J. S. De Silva:** The Honourable Member is misleading the House, Mr. Speaker.

She said that golf course was running well. Mr. Speaker, that golf course at the time was losing \$600 or \$1,000 per year. It was not running well.

**The Speaker:** Thank you.  
Madam Opposition Leader.

**Mr. Rolfe Commissiong:** Point of order, Mr. Speaker.

**The Speaker:** Point of order on his point of order or . . .

*[Inaudible interjections]*

**The Speaker:** Continue.

*[Inaudible interjections]*

**The Speaker:** Continue quickly.

**Mr. Rolfe Commissiong:** Mr. Speaker, the Honourable Opposition Leader implies that the golf course was closed specifically to make that Member unemployed.

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker—

**The Speaker:** Madam Opposition Leader, continue on.

**Mr. Rolfe Commissiong:** That is the inference.

**Hon. Patricia J. Gordon-Pamplin:** —thank you.

**The Speaker:** Only one of you at your feet at time.  
I will recognise the Opposition Leader. Continue.

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

I am glad that Honourable Member made that comment because that Honourable Member was not in this House at the time that the then-Sports Minister made the comment that *he sits on the other side and they were not obligated to see to it that he had employment*. That was the comment and that was the reality of the day. So, therefore, the golf course, the golf shop, was knocked down, the building, the business that was then a going concern was unable to be advanced, was unable to carry forward, and that Member had no job.

Now, the Honourable Member indicated that being out in the wilderness perhaps taught him some lessons. I do not know what people learn when they are out in the wilderness, Mr. Speaker, because the one benefit that I have had in this life is an ability to say that nobody has to validate me. So, I know who I am and whose I am.

But, Mr. Speaker, let me just say that I found the passion with which the Honourable Member just spoke, very, very interesting, talking about hypocrisy, that you sat and called the PLP everything but a child of God during the time sitting on this side looking at them. And being in the wilderness, being Paul (I suppose) you know, transformed on the road to Damascus, Mr. Speaker, perhaps saw a different light and was able to then join them.

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, I have never had to lick spittle from anybody who has put it all over me. So, if that is what the Honourable Member needs to have done, fine.

Look, I applaud every Member who puts themselves forward to be considered by the electorate irrespective of which side of the aisle they fall. Honourable Members opposite will know that in the course of the last couple of weeks I have been more than forthcoming to say, *Let me help you. This is how this ought to go. This is how we do things.* The Honourable Member from Devonshire . . . sorry, from constituency 11 . . . you know, when we talk about being on opposite sides of the political divide, Mr. Speaker, the very day, the very painful day that we discovered the loss of our former colleague, it was that Honourable Member from constituency 11 who stopped on the street as I had pulled over in my car, completely distressed and distraught over the news that I had just heard, to come and get out of his car, come into mine, hug me and we commiserated together on such a tragic and unfortunate and sudden and painful loss. That is how relationships happen in this Honourable House.

So, if somebody wants to sit on the other side of the aisle, trust me, I do not have an issue with it. If the electorate choses a different choice for their representation, I do not have a problem with it. The thing that I do have a problem with is that when one has been able to embrace and endorse and fulfil those things that are required by the philosophies of the party that they related to and that they belonged to, and then they decide to make a different decision, all of a sudden—

**Mr. Hubert (Kim) E. Swan:** Point of order, Mr. Speaker. If the Honourable—

**The Speaker:** Just wait until you are recognised.  
Your point of order? You can keep it brief.

#### POINT OF ORDER

*[Imputing improper motives]*

**Mr. Hubert (Kim) E. Swan:** The Honourable Member is [imputing] improper motives because if I remember correctly, we once sat together with the party that I

stayed in in this House until 2012. It no longer carries a name it only carries the same people that were there prior. So, I think the Honourable Member is—

**The Speaker:** Point, point, point taken.

**Mr. Hubert (Kim) E. Swan:** Thank you.

**The Speaker:** Point understood.  
Continue, Member.

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, I said that we sat together as Members of the same party. I did not say which party it was. That Honourable Member was so engrossed and so married to that party that he continued to represent that party even after that party did not exist anymore.

So, Mr. Speaker, let me just say that I honour the efforts that people put forward in putting themselves out to represent people of this country. So, when I hear about hypocrisy, let us just say that when you have poked other people in the eye, and then you decided that you are going stay with those people who you have poked in the eye, just realise that there may be a little bit of sight shortage that has come into play.

Mr. Speaker, it is not my intention . . . I was not even going to speak this afternoon. But when I hear the kinds of comments that were made, and to say that in the Throne Speech [Reply] I mentioned my honourable former colleague, if the Honourable Members can show me where in the Throne Speech [Reply] I made any reference, I called any name in the Throne Speech [Reply] then I would be happy . . . if I have been misled, or if there has been any attempt to mislead the House, I would be the first to admit it and the first to withdraw it. There is nowhere in that Throne Speech [Reply] that you see anything about me mentioning any names of any Members, Mr. Speaker.

Let me just say also, Mr. Speaker, that Honourable Member, spoke to *rolling the dice on Bermudian money for the America's Cup*. Let me just say, Mr. Speaker, that we took the opportunity to bring an event to the country that was going to provide and permit employment. Some of the prerequisites of the agreements that were made were made with the idea of ensuring that Bermudians got first dibs.

Mr. Speaker, we have Members in this House who were able to take full advantage of the things that that America's Cup had to bring from some of its ancillary services that were provided. Mr. Speaker, we had people, Bermudians, who were able to rent their houses that would not have perhaps be able to. Members in this House turned their apartments into Airbnb to accommodate the level of tourism that came out of that event. Mr. Speaker, the numbers, the hordes of people who were able to operate as contractors both in the development of the gaming site and the games

village, and the dismantling thereof once the event was over and done with.

But, you know, when I hear people say, *Where are they now? Where is that job now?* Mr. Speaker, would you rather have no job, than have a job that is going to bring you some significant revenue for a shorter period of time? There will be another job coming up. There will be another job coming up because such is the nature of business. But, you know, when I hear the negating of the entire event, I think it is not just churlish; I think it is unfortunate, Mr. Speaker, because we operated in all good conscience. And we did the best that we could for this country, Mr. Speaker, while we were charged with the responsibility to do so. Mr. Speaker, I am not going to sit back and allow us to be denigrated, allow us to be written out of the history books, as Members opposite would like to see, and to say nothing about it, because that is not going to happen.

#### PAYMENTS FROM THE CONFISCATED ASSETS FUND

**Hon. Patricia J. Gordon-Pamplin:** Let me also finally say, Mr. Speaker, that last week we had a Statement by the Honourable Member Caines, who spoke about the “Cash Back for Communities.” And, Mr. Speaker, we were basically vilified for having spent money that should have perhaps gone to people to help them out, of a \$100,000-and-something on legal fees. I am just going to finish my point on this, Mr. Speaker.

We will know, if one will look at the Statement that the Honourable Member tabled this morning, we will be able to see, Mr. Speaker, that there was \$111,000 that was spent on a civil recovery scoping study, on the 5<sup>th</sup> of July of 2016.

Mr. Speaker, the Government changed on the 18<sup>th</sup> of July of 2017. Subsequent to that \$111,000, according to the report tabled by the Honourable Member this morning, there was \$255,000 that was paid out of that fund—already. Not counting the money where people were waiting and had been committed to have payments made out of Cash Back for Communities, out of the Confiscated Assets Fund.

It is important to understand, Mr. Speaker, that the Confiscated Assets Fund, as was articulated and clarified by my honourable colleague last week, was not meant for Cash Back in its initial conception. That Fund effectively morphed into part of it being dedicated to Cash Back under the former OBA Government.

So I think it is important that when people start to speak and to put it out in the community as a question as to whether this former Government chose to do legal fees over benefit to community, the Statement that was tabled this morning verifies that this was errant nonsense.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Any other Member?

I recognise the Honourable Member, Minister De Silva. Minister De Silva, you have the floor.

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

*[Inaudible interjection]*

#### THRONE SPEECH REPLY

**Hon. Zane J. S. De Silva:** Mr. Speaker, I am scratching my head, is right.

Mr. Speaker, the Honourable Opposition Leader just took her seat. She referred to the Throne Speech last week and she said, *Nowhere is there any mention of any name in her Throne Speech [Reply]*. And she is correct. She talked about a quartet in her Speech, but you know what the Honourable Opposition Leader forgot, Mr. Speaker? That her former Premier, who sits behind her, did mention some names, and he talked about two of his former Members. Now, we all know that their two former Members were the two who resigned. Now, do I have to tell anybody in this House who they were? Do I have to call their names?

And, Mr. Speaker, for the Honourable Opposition Leader to make that statement, why . . . and I quote, with your indulgence, a text message from Shawn Crockwell's sister last week Friday night. And, Mr. Speaker, this is what she wrote. “MP De Silva, Thank you for addressing that outright, disrespectful manner in which the Opposition Leader's Throne Speech Reply to my brother.” Now, that is from his sister. And I have that on my phone, which I could gladly table, from his sister.

So, certainly, Mr. Speaker, when the Opposition Leader tries to trick the people of Bermuda by saying she did not name anybody in her Throne Speech [Reply] from something that she got off social media or maybe perhaps from a police friend . . . and, Mr. Speaker, you will know last week I said I will gladly sit down on a point of order or a point of information if the Opposition Leader wishes to say where she got it. Because, Mr. Speaker, I saw that piece of social media too. And I will tell you, if this Opposition OBA Government expects Zane De Silva to say what I am doing in my private life, they will wait a long time.

Whether it is a trip with a Member on that side of the House, or this side of the House, or somebody from in the Gallery, Mr. Speaker, what I do in my private life is my business. I do not ask anybody on that side where they got their property from, and if a family member might be in the drug business, where they got their property from. I do not say, Mr. Speaker, some of the other things I saw on social media, *Well, it was drugs came in a container and somebody else took the fall.*



[Inaudible interjections]

**Hon. Zane J. S. De Silva:** I do not do that.

Oh, now, she is saying, the Honourable Opposition Leader, *We are not going to go there*. As bottom of the—

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

**The Speaker:** We will take a point of order.  
Point of order.

### POINT OF ORDER

**Hon. Patricia J. Gordon-Pamplin:** Mr. Speaker, the Honourable Member has just alluded something that I have said. I said absolutely nothing. That Honourable Member needs to be able to correct, or at least hear properly. I said nothing.

**The Speaker:** That is right. Make sure all conversation is addressed here and we will not get it confused. Address it to the Speaker.

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

So, Mr. Speaker, when they make inferences and say that they are not calling names, their trickery in four and a half years did not work. It certainly ain't going to work now. The people of Bermuda can read through all of it, Mr. Speaker. They read through all of it. Obviously, they have not learned their lesson.

### GAMING

**Hon. Zane J. S. De Silva:** Mr. Speaker, I am going to talk about some of the things that the Honourable Member from constituency 10 (I think it is), the Honourable Member Mr. Dunkley spoke about. And it is amazing because here you have a former Premier, who did not have anything to say about the Throne Speech Reply last week you will notice. The former Premier of this country did not have one word to say during hours and hours of discussion on the Throne Speech [debate]. Not one word. But he comes back this week and wants to talk about gaming.

Hmm.

Mr. Speaker, let us talk about gaming for a moment. He talked about how slow things have been, and how he hopes that we move things quickly. They were in Government for four and a half years. In fact, if I remember correctly, in their platform dated 2012, they were going to have a referendum on gaming. But what happened? They said, *We are not going to do that because the PLP is going to undermine it*. Remember that?

Remember that? The PLP were going to undermine it, even though you outlined it in your platform of 2012.

And then the Honourable Member, Kim Swan, furnishes 3,000 signatures, Mr. Speaker. And we all know that the former Premier, Mr. Dunkley, was caught saying some very foul words about [Mr. Swan's] wife, and later had the opportunity to apologise to her. I was standing right on the steps beside her. He had the opportunity to apologise and no, he would not. No, sir.

[Inaudible interjections]

**Hon. Zane J. S. De Silva:** So, Mr. Speaker, that Honourable Member gets up and is encouraging us to get moving with gaming. They had four and a half years to sort gaming.

And some of the other things he talked about, Mr. Speaker, are interesting. He talked about the mousetrap. And I think he was alluding to problem gamers. Well, of course, I understand that the former Premier and his Cabinet were given a very nice presentation in Cabinet. And they were told exactly how to deal with problem gamers, Mr. Speaker. Exactly! To the "T." But did they move on it? Nope! But you have a Gaming Commissioner, Mr. Schuetz, who wants to pay hundreds of thousands of dollars to hire people to do a job that he was hired to do.

You have a gaming commissioner who is very quick to jump on a plane and go fly around the world. He even went to a gaming machine convention in the UK. Now, why would a commissioner of the Gaming Commission, who has all this expertise, have to go to a gaming machine convention in the UK? You know why? His record continues. His record is such that when he worked in the western side of the United States, he was known to take trips week in and week out. So much so that he was questioned by a commission in California. But he came to Bermuda and he continued.

So, Mr. Speaker, when the Honourable Member Dunkley speaks about, *he hopes that we are not going to impede progress*, we have to look back and say to ourselves, *Well, what happened in the last four years? What happened?* Is it because the former commissioner, of whom he speaks so highly, had a relationship with Caesars Palace? Of course, his ex-wife was in a meeting with Caesars and the former Minister Crockwell [who] did not even know that she was his ex-wife, the commissioner's ex-wife.

A former Minister, Shawn Crockwell, had a meeting with Caesars and their group and the Gaming Commission and he did not know that the lady representing Caesars was the commissioner's ex-wife, of whom he still has a cordial relationship, I am told. But that is okay. Did the Honourable former Premier think that maybe that is why gaming has not gone anywhere? Or maybe that any interested casino operator probably said, *Well, we see the headlines. We know that these guys are being wined and dined by Caesars*.

Mr. Alan Dunch, the Chairman of the Commission, said quite publicly, *Look, they invited us up to Caesars. They gave us a discount.* Well, hmm.

**An Hon. Member:** The writing is on the wall.

**Hon. Zane J. S. De Silva:** The writing is on the wall. You think the casino operators in this world . . . it is a small circle, Mr. Speaker. Everybody knows everybody. They know what they are doing. They know where they are operating. They know where they are setting up.

Maybe we did not get any interest because people figured that Caesars got this thing wrapped. They are going to Bermuda. The gaming commissioner and the CEO are going up to Caesars, they are coming back, you know, these guys are winning and dining and having fun. That is a done deal. Maybe that is why the wheels moved so slowly.

Now, Mr. Speaker, the Honourable Member went on to talk about the former CEO of the Bermuda Tourism Authority, Mr. Bill Hanbury. And he talked about how he got chastised in this House. Well, he should have. The man was [earning] half a million dollars a year and getting hundreds of thousands of dollars of possible bonus with half-baked results. Let's say that. Nowhere in the world do I know that anybody has their tourism numbers drop by 15–20 per cent and they get a couple of hundred thousand dollar bonus. And had we not made so much noise, maybe those bonuses would have continued.

But, then again, the Honourable former Premier talked about how the numbers have increased. Well, yes, they have. But when you get to rock bottom, Mr. Speaker, there is only one way, and that is up.

And let me state for the record, I congratulated him then for the number increases. And I will congratulate the BTA [Bermuda Tourism Authority] now, and I hope the numbers do increase for the sake of Bermuda and our people. We need tourists here; we need the numbers up. But let us not forget a few things. You had something called the Zika virus during that period. You had people not going to the Olympics because they were afraid of the Zika virus. You had many tourists from the US that normally would go south, who did not. At the same time, you had many acts of terrorism going on in the UK and in Europe, buses running through crowded streets, trucks running through crowded streets. Those things add up, Mr. Speaker. They add up.

### AMERICA'S CUP

**Hon. Zane J. S. De Silva:** And, let us not forget the other thing. The magic money tree called the America's Cup. That is what I am going to call it, the magic money tree, because I hope for the sake of all Bermuda that the hundred-odd million. . . and it seems to be

creeping up every week . . . we seem to find something new every week, another million here, another four million here, another two million here. The number keeps on increasing. I hope for the sake of Bermuda that we do get a benefit because that money is gone. It is gone, Mr. Speaker.

When I look at the 2,700 people on financial assistance, and I have been talking to some of the 37 sporting organisations in Bermuda over the last eight weeks, everything is. . . what? Money! Would I love to have that hundred million to split amongst our 2,700 people that are struggling in this country, let alone the sporting organisations, where we could send our children away; the scholarships that were cut under the OBA Government so we could have a billionaire's party up in Dockyard, as the poverty continues to rise throughout the land.

Mr. Speaker, let me finish on this note: You had two Members of the former OBA resign and become independent. What you have to do, Mr. Speaker, is ask yourself, *Why did they resign? Why are we now in Government by record numbers? Why?* You know why, Mr. Speaker? I contend that they finally saw the light and felt and saw the pepper [spray]. There is no doubt, Mr. Speaker. You have to ask yourself, why.

Let us never forget [MP] Shawn Crockwell's last speech sitting in that chair right over there. He predicted. . . and he was proud of some of the things he had done when he was a Minister of Government. He said, *I am proud of them; I will stand by them.* He did. But he said, *You know what? The OBA will never win this next election; they will never win it.* You know why? Not because of what they did not do as far as Government is concerned, but because they did not care about the people of this country. And so said, so done, Mr. Speaker.

### THRONE SPEECH REPLY

**Hon. Zane J. S. De Silva:** And let me tell you, if you are going to have, if or we are going to have, [or if] the people of Bermuda are going to have Throne Speech replies that are written like this piece of . . . it is not worth the paper it was printed on, in my book. But if you are going to have this type of Reply and these types of accusations from something you saw on social media . . . and you get a former Premier who stands up and makes accusations about one of his former Members—one of them whose body is not even cold yet, Mr. Speaker—in this House, and has the nerve . . . and then his Opposition Leader stands up behind him and talks about how compassionate she and the current Member, my honourable colleague . . . I think she was referring to [MP] Famous . . . how she embraced him and then she puts that in this document? And then says, *No, let's work together, let's sing Kumbaya.*

All I am going to say, Mr. Speaker, is that I hope that while the former Premier has found his voice again that we are not going to hear any more of that . . . I hope we are not going to have a continuation of that kind of talk in this House.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 1, the Honourable Member, Mrs. Renee Ming.

And I am pausing here for a minute because I believe this is your maiden speech.

**An Hon. Member:** Yes.

**Mrs. Renee Ming:** Yes, it is, Mr. Speaker.

**The Speaker:** And Members of the House, you do recognise what that means. She has a free speech with no heckling, no noise, no interpolations from any Member, as she graces us with her first speech.

Madam, you have the floor.

#### MAIDEN SPEECH

**Mrs. Renee Ming:** Thank you, Mr. Speaker.

For the listening audience, I do not think I will be as fiery as some of my colleagues, but I would like to take this opportunity to say a few words and to . . . well, as I see it, to begin my time here in this Honourable House.

Mr. Speaker, in 2012 I entered the political arena somewhat unsure of the journey ahead, but I was very committed to the people I was seeking to serve. My path veered into the Senate, and, Mr. Speaker, on July 18<sup>th</sup>, after four and a half years of service and relationship building, it culminated into an outstanding show of support by the community who I now have the pleasure of representing. However, Mr. Speaker, my ability to stand here as a representative would not have been possible today through my work alone. I have a team of hard-working, dedicated supporters, and a loving community beside me. So today, please allow me to take this opportunity to express my thanks to those without whom I would not be standing in this House today.

To my community, thank you, thank you, thank you. Every day you remind me why I joined politics. And I am committed to working for you, keeping you first and ensuring that an opportunity is made available for the real God's country and those therein.

**An Hon. Member:** That's right.

**The Speaker:** Quiet. This is her maiden speech now. Her maiden speech.

**Mrs. Renee Ming:** That's right.

To my branch members and executive, thank you. From meetings to long days of canvassing you stuck by me. We remained on track, and our efforts were fruitful, [resulting] ultimately in a victory for the people.

Mr. Speaker, behind the scene I had an amazing team of young people, seasoned people, spicy people who during the election process took up the mantle and worked to elect a Member of Parliament and Government for their future. Thank you. From nights of planning, election preparedness, and making the Election Day a success, they were amazing. And without their hard work our victory would not have been as resounding.

Mr. Speaker, as you are acutely aware, politics, and more so elections, can take hold of your family life. The entire family is subjected to making adjustments and they feel your joy and they feel your pain. I thank God for the joy that we experienced. But, Mr. Speaker, it would be remiss of me if I did not publicly thank a few people. A special thank you to my husband, Raoul, who has continued to be a constant support.

*[Desk thumping]*

**Mrs. Renee Ming:** St. George's boy, now!

To my children, Jari, Samaiya, and, of course, my little politician, Raya, who have endured many late nights and plenty of take-out meals. My mother, my grandmother and my great-grandmother all continue to believe in my political walk. I must thank my cousins, my aunts, my uncles, my in-laws, my faithful prayer warriors—and there are many. Each one of them has made it possible for me to stand before you today. I also recognise my church family who offer encouragement and prayer.

Mr. Speaker, I recognise the significance of the 2017 election for your own family, and congratulate both you and your son. But, Mr. Speaker, I believe I may be in the boat alone with you on something truly dear to me that was a result of one of the past elections. How many Members of Parliament here, or anywhere, can boast that they have five ballots cast for them from five generations in their family?

**The Speaker:** Hmm!

**An Hon. Member:** Wow!

**Mrs. Renee Ming:** Mr. Speaker, if I may, I want to name and age them. It is almost like blame and shame a little bit here.

On Election Day, my great-grandmother, Ismay Steede, who is 101, came down to vote. My grandmother, Dorothy Peniston, who is 78, came down to vote. My mother, Lavern Anderson, who is 62, came out to vote. I came out to vote, and my 22-

year-old son, who was a first-time voter, cast his ballot for the first time. All five of those ballots were cast in constituency 1.

[Desk thumping]

**Mrs. Renee Ming:** Mr. Speaker, I may have lost by four votes in 2012, but in 2017, I assured myself that it was the five votes that got me over the top!

[Laughter]

**Mrs. Renee Ming:** Mr. Speaker, as each of you who sit here can attest, family is so very important. And so, for that, I thank them.

Now, with that out of the way, Mr. Speaker, let me mention some more substantive matters.

July 18 was an incredibly significant day. Not only did the people of Bermuda speak, but I believe they represented a shift in how we as a country view governance. Mr. Speaker, in an effort to cleanse itself from its dictatorial regime the people voted into place a Government that will look out for their interests, a Government that will govern and make decisions considering *all* the stakeholders, and, most importantly, a Government that puts Bermudians *first*.

Now, Mr. Speaker, while we may have received this mandate, and I am confident that my colleagues and I will fulfil it, we do have those naysayers, social media bullies out there spreading their vitriol from their keyboards. But we will be ignoring that. But, Mr. Speaker, let me not digress, because we will not allow ourselves to be distracted.

I am going to say that again because it seems very important at this time: We will not allow ourselves to be distracted.

[Desk thumping]

**Mrs. Renee Ming:** The persons who try to sell off the Island's soul will not disrupt the road ahead. And you can be assured of that. What we would hope for instead, Mr. Speaker, is constructive dialogue and engagement from all corners so that we can most effectively evaluate, critique, and pass legislation, that benefits the people whom we represent. Mr. Speaker, the day of the silent, complicit backbench is gone.

Mr. Speaker, we must elevate our level of governance and continue to ensure that we do what is right by our people consistently.

Mr. Speaker, when I leave home base, I drive all the way from St. George's into the city. And what stands out to me daily is the love that I feel from our people, the hope that they have now, and the anticipation of what is to come. Mr. Speaker, how could I, how could we, do anything but deliver the very best, govern the best we can and hold ourselves to account so that we are deserving of the seats that we fill?

Now, Mr. Speaker, I could not stand here today and not at least talk a little bit about St. George's. So since I mentioned St. George's earlier, let me take a minute to talk about it.

I come from a community right now that expects a lot, more than mere talk from their representative. Results and action are the political currency of choice in the east and I will be a faithful servant to my people. So, with that said, let me make three things abundantly clear: You can expect five years of me advocating loudly and unapologetically for what our community in the east is in need of. You can expect my full cooperation in ensuring that any initiatives to revive the old town are beyond successful. And finally, you can expect me to do whatever I can to support this Government in carrying out the people's mandate.

Mr. Speaker, beyond political posturing and grandstanding we need action. We need change. We need opportunity. Jobs alone will not cut it; our people need careers. Handouts will not do. We need opportunities for families to educate themselves and begin the ascent up the social ladder.

The Throne Speech rolled out several weeks ago was refreshing, promising, and clearly indicates that we are moving in the right direction now. The truth is, however, that we will only begin to scratch the surface in this legislative session, and it will be a long road ahead, but I am confident that we are committed to the work. Gun violence should not be part of our culture, nor something that we should be desensitised to. Our lives are too valuable for them to end due to hostility and unnecessary rivalries. But we are committed to the work needed to address it.

Getting education right is a mammoth task. But with the right support and resources I am confident that our team can work together with the Minister and the Ministry to set our children up for success. Economic diversification is necessary and will take work. But we will ensure that through legislative and other means we support diversification efforts.

Mr. Speaker, it is complex, it is heavy, but our team is geared up and ready for the work ahead and fully accepting our own responsibility for the future. Mr. Speaker, I thank you for this time. I thank the people for this opportunity. And again, I commit to the work and I look forward to the work.

Thank you, Mr. Speaker.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITORS

**The Speaker:** Thank you, madam, Member, for your maiden speech.

Before I recognise any other Member who wishes to speak, I would just like to take a moment to acknowledge some of our former Members who are present. In the Gallery we have the former Senator Milton Scott, and here in the Chamber with us we

have former Member Renee . . . I almost said Renee Ming. We have Renee Webb. I had to stumble trying to get that out. Thank you for joining us.

*[Motion to adjourn, continuing]*

**The Speaker:** Thank you for your maiden speech, Member.

Does any other Member wish to speak?

Mr. Simmons, the Honourable Member from constituency 32. I believe this would be your maiden speech as well.

**Mr. Scott Simmons:** You are correct, Mr. Speaker.

**The Speaker:** Members, we recognise that this is his maiden speech, and we ask that it be quiet.

Member in the Gallery, no cameras. You will be asked to leave. Thank you

Mr. Simmons, you have the floor.

### MAIDEN SPEECH

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

First and foremost, I did not get the opportunity in the last sitting of the House to be able to extend to you, and certainly to the Deputy [Speaker], congratulations on your elevation both as Speaker and as Deputy Speaker of this most Honourable House.

Mr. Speaker, I also wish at this time to recognise the fact that the 2017 election has passed. We had the debate last week on the actual Throne Speech, and I did not have an opportunity [to speak]. I wish to touch on just two or three matters as it relates to that Throne Speech.

**The Speaker:** I recognise that this is your maiden speech.

**Mr. Scott Simmons:** Thank you.

**The Speaker:** We are not allowed to drift back on a matter that has already been dealt with. You may want to speak on an issue that you have a concern about, but you cannot relate it to the Throne Speech.

**Mr. Scott Simmons:** Thank you, Mr. Speaker. I will do just that.

Mr. Speaker, it states as it relates to the Throne Speech that it was a historic election and it produced the clearest expression of the people's will that Bermuda has ever witnessed. It also states that the Bermuda Progressive Labour Party secured over 60 per cent of the large popular vote and a clear endorsement of the Government's election manifesto.

At this time, Mr. Speaker, I would very much like to thank those in my constituency, constituency 32, Southampton West—

*[Inaudible interjection]*

**Mr. Scott Simmons:** And he is one of mine.

**The Speaker:** Members, remember this is his maiden speech. Do not distract him.

**Mr. Scott Simmons:** I would like to thank the executive committee led by Mr. David Greene, the Deputy of the Branch, the Deputy, Mr. Delano Bulford. I would like to recognise Sharleen Webb, Joanne DeSilva, Deane Martin, and two new members of the executive, Maxine Esdaille and Leslie Robinson.

Mr. Speaker, I would not have been able to stand here today had it not been for the members and the executive of constituency 32 who showed me an overwhelming support during this entire process. So I wish to recognise them today for coming out in numbers and supporting us going forward and winning very resoundingly in that seat.

Mr. Speaker, Bermuda was listed as the most expensive country in which to live in 2016. Against that backdrop, Bermuda jobs continued to decline while more non-Bermudians were added to the workforce. It is the duty and responsibility of a new Government entering Parliament to prioritise reducing the cost of living, creating Bermudian jobs, and growing Bermuda's economy.

Mr. Speaker, I believe it has been a long feeling within those who critique this Government and as they critiqued us as Opposition in Government before, that we have not been friendly to international business, that we do not consider international business as important. I believe that we in this House, from the Government benches, are more committed than ever in making sure that that relationship exists with international business, with our IB partners, and also with those companies in Bermuda, local companies, so that we can move the country forward together. I recognise that at times it is difficult to weigh out the two, that being labour and those who create the employment. But I believe we can find that common ground. I believe that we can work together as a Government, as international business and local companies, and I do believe that we can work together moving forward.

Mr. Speaker, as it relates to our relationship with industry partners, I believe that we need to recognise that this Bermuda Progressive Labour Party did not start just yesterday. I believe it is a party that began first in 1963. I believe it is a party that recognised from the very beginning that there needed to be a voice in our community. I believe that we centred in on that voice and created a relationship with that community because we are that community. And we moved forward from there. For those who may or may not know, or those who are not members of the Bermuda Progressive Labour Party, I would recommend that you pick up memberships immediately so that you can come and be a part of—

*[Inaudible interjections]*

**The Speaker:** Maiden speech, quiet Members.

**Mr. Scott Simmons:** —so that you can be part of a progressive group that has made it clear and recognises the significance of those in our community who need to be represented, and did the job that needed to be done in July, on July 18, 2017.

The point that I wanted to make, Mr. Speaker, laid on the fact that the Bermuda Progressive Labour Party in 2012 recognised that some things had to change. It realised that some mistakes were made, and that in actual fact we had in some way, shape or form, while being in the midst of our community, become disconnected from our community. We worked on that connect from a previous leadership in our party and, to dispel a rumour, a party that can fight on so many issues can also come together, and can also raise the bar together and address the situation that we have to deal with at the party.

So, the Bermuda Progressive Labour Party has moved from 2012 at defeat, now into 2017. But along that way some things happened. First of all, we sorted out the things that needed to be sorted out in our party. We began the process of creating a fertile environment for change in our party by working at the community level. A former chairman (God rest his soul) worked very hard, along with the leadership, in making sure that we started to move our committees along. The interesting part is that every single one of our party members present in the Gallery, those who are present here, recognise that the very core of our party begins at that membership level, and that membership level is connected to the community. That community is seen every day in every meeting, meetings that I have personally chaired. As a result, the laws that we see created today, that we introduced as a Government, are a direct result of that connection.

Therefore, Mr. Speaker, it is safe to say that the Bermudian people, our community, our communities of community, recognise that this Bermuda Progressive Labour Party has obviously learned something, and has come out of that period with something positive. That positiveness that we see, which developed over a period of time, is something that is seen in this House. But it is also seen on the street. We begin to see progress. I will digress slightly and say where before everybody said that we want the Government to take care of things. Strangely enough, the Honourable Member has already begun the process with so many others of trimming his own trees in his constituency, of doing the work that needs to be done that has progressed us along.

So, the mentality at its very core has begun to transform into something that is extremely valuable. And that is that the Government does not always solve things. However, if you partner with Government then there is progress.

Mr. Speaker, the Bermuda Progressive Labour Party from that moment on, in that period, knew that we had to do some things differently. So we created from that level a new understanding and connect. Now, during that period of time (and this is in the lead-up to the last election victory—there will be many more) . . . Mr. Speaker, I believe that we recognised the connect, not just a connect through just the black community, we realised, Mr. Speaker (and I tread delicately), that there is a relationship for all communities in Bermuda. Our emphasis has been on a community that is absolutely in need of repair, of help, and of the energy from governments, which is why, at the last election—and the Honourable Member touched on it—why during that particular time that this Government lost contact with the people.

This Government, the former Opposition, the Bermuda Progressive Labour Party realises and recognises that we must move forward for an entire Bermuda. We must create opportunities for an entire Bermuda. But we do recognise that it is just not enough to advance the trickle-down economics. It just does not assist the community, because by doing it that way there is no dignity. So, as a result, this Government will be focused on creating opportunities in Bermuda that will create respect, but there will also be a level of pride being connected as an entrepreneur, being connected in that community. Being able to work and create jobs and do the things that are necessary, Mr. Speaker, I believe that that is where we are as a Government today.

Mr. Speaker, I believe, and I will take this moment, having mentioned the Bermuda Progressive Labour Party from its executive level, to thank each and every one of those committees, the research and platform committees, the campaign and candidates committee, all the public relations committees over there. And we cannot forget our finance committee. I just want to insert, Mr. Speaker, if I may, as it relates to our election, a lot of money goes into elections. The Bermuda Progressive Labour Party proved this time that you do not have to have an enormous amount of finance in order to get a result that we got. We got just about enough to get us where we needed to be. But what really took place was, as I often say with all due respect, the “CF model.” The CF model of approach.

Honourable Member Furbert would say that that is what he does. The Honourable Member, Mr. Burgess, would certainly signify that that is how you get things done in your branch and keep the members that you have. The Honourable Member Zane De Silva would say that those on both sides of this House who really put the effort into their communities . . . The Honourable Member Christopher Famous’ model [the CF model] says that you have to canvass. You have to be on the doorstep to know.

And the Speaker lives by it every single day. There is a connection that you have to have. And I will say this. In 1998, the Honourable Premier, former

Premier, who visits this House today, won an election off of just that. You do not take a lot of money. It takes a connection to your community. And that is how we won this election. We listened. We talked. We discussed the issues going on in our community. And we got the opportunity, and they said, once they realised we were understanding what they were saying . . . we brought that back to the party through our research and platform, created the platform. And the platform created what? It created the Throne Speech that we see here today, a connect to our community.

Therefore, Mr. Speaker, I believe that what we have right now, as we have already discussed this Throne Speech and we have already begun this process, is a party that is refocused. What we have is a Government that realises that we must govern for the entire Bermuda. But it also realises that there were some in our community that we cannot leave behind. The Throne Speech speaks so much on financial assistance. It speaks so much on how we must redo and revamps education. It speaks so much, Mr. Speaker, on how we need to empower our young black males, our black males entirely. And all of us who have spoken so much on these issues are going to see that come to fruition in this House.

Mr. Speaker, in my private life I absolutely have an opportunity to work with young people in the property for which I work. And during that time I realise, because I am responsible many times for the hiring, many times for the firing, even . . . but what I realise coming through that door is that a lot of our young people are ill-equipped and that we have a responsibility to do what the Honourable Member Burgess would say quite clearly, Mr. Speaker. And that is sometimes as managers, as owners of companies, as leaders of industry, as individuals of power in companies, we have a responsibility sometimes to forgive seven times seventy.

We have a responsibility in our community because that is what is missing. It is all good and well to look at our corporate bottom lines. And I understand how everybody feels. As a manager I have a responsibility for a budget, and I have to stick to it. But I also realise that sometimes my intention is so that when that young man or young woman comes through that door, I want them to leave with more than what they [came with] so that they can build off of something. They may not be all that happy, but they have got the opportunity to build on it.

I believe in this country. If it is one thing that this Government must do, it must create an environment, it must create a feeling and a movement. And we have tried since 1998 to get international business, local companies, to get the mind-set changed because we have spent a lot of time tearing apart the fact that there is not any mind-set on our young people's side. We have to change the company view. And we have to forgive seventy times seven and work with them. And you will find that, of the ten, you may get

the three. Of the ten, you may get the seven. But we have to change it by investing in Bermuda instead of seeing that strict bottom line, taking the opportunity to create opportunities in our young people, creating the opportunity, the energy and creating an environment for them that makes them feel that someone believes that they are of value.

So, Mr. Speaker, I have worked hard at making sure that those young people are trained, are given some sort of beginning where they are, and also, that once they go they are able to contribute in some small way—not perfect at it; they have their shortfalls. But we can make that absolutely happen.

On the other side, Mr. Speaker, with the last moments that I do have I wish to speed forward.

Yes, Mr. Speaker?

**The Speaker:** Three minutes. Go ahead.

**Mr. Scott Simmons:** I will speed forward and say this: There is a hurting part of our community that we must address. We have every, every opportunity with the majority that we have to begin to make that change and make the repair. I believe that we are going to do that. We must also view this as the first instalment. This is a Throne Speech instalment, the first one, which will advance our country and move us forward time and time again. We will use these Throne Speeches, and we will deliver on each of those as we go for the betterment of our country.

I am going to take this opportunity to thank every single [person] who has encouraged me so far, who has given me an opportunity to speak in their homes and to discuss the issues that they have, and also given me an opportunity to demonstrate, as a black male, that I can keep my word, that I can do the things in the community and that I can bring about, in some way, shape or form, assist this Government and assist my Government in being the best that we can be.

Mr. Speaker, thank you so much for your valuable time.

*[Desk thumping]*

**The Speaker:** Honourable Member, thank you for your comments. We appreciate your maiden speech.

Is there any other Member who wishes to speak?

We recognise the Honourable Member from constituency 21. The Honourable Mr. Commissiong, you have the floor.

## VOTING DEMOGRAPHICS

**Mr. Rolfe Commissiong:** Mr. Speaker, what eloquence!

What eloquence have we witnessed here today; I am so proud of that Honourable Member. Cer-

tainly, the Members of the Opposition are getting a taste of what task lies before them. I mean, they had trouble, unsuccessful ultimately, keeping up with us before the election when we were in Opposition. And with the addition to our ranks of these brilliant men and women . . . I still have my cousin over there, Mr. Famous, the Member from [constituency] 11, who has not spoken as yet. And I am very happy about the fact that MP Simmons acknowledged the role that he plays within his community and the role and contributions that he made to this great party. Let us not forget that work, the quiet work that he put in.

*[Desk thumping]*

**Mr. Rolfe Commissiong:** And so, for all those people out in radio land, I have the unenviable task of following Mr. Simmons. And remember, this was his first [speech] in this House. And for all those people in radio land, on July 18<sup>th</sup> we did have a great expression of democracy; some would say our still somewhat imperfect democracy.

I just want to take an opportunity to highlight three demographic groups that made that day so special not just for the Progressive Labour Party, but for Bermuda. One is those young black men and women who came out in droves. We should not have any fear about calling it for what it was. We knew that once we had that level of turnout, once we saw the generations coming together, that we are an unstoppable force. And so, to the credit, those young black Bermudian men and women between the ages of age of 18 and 40 or 45, we thank you.

The second is first-time voters. This is hard for me to believe, and still it makes my eyes begin to water when I think of this. In 2012 I canvassed a young man whose family roots are up in Warwick. Well, he is not so young. He is about four or five years older than me; he is about 65 or 66 now. And I know he did not vote in the last election. I just assumed that he was one of those dissatisfied with our performance in that period leading up to the 2012 election. He was not alone, or he would not be alone in that regard. But on Election Day, that man came up to me over at St. Paul's Centennial Hall, where our voting station was. He came up to me and said, *Rolfe, I just want to tell you this is the first time I have ever voted.* Like I said, I thought that maybe he had not voted in but maybe two or three elections during his lifetime. I know he did not vote in 2012. But he said, *That is the first time that I have ever voted.* A 65-year-old black Bermudian man! And half of you know who he is. He works over there with my cousin, Mr. Chris Famous, from [constituency] 11.

I said to him, *Brother, I am just so honoured that the first vote you are ever going to cast is going to be for me.* And then he walked in, and he cast that vote, his first one ever. Although talking to colleagues after the election, I have come to realise that that was

happening all up and down Bermuda. And I heard stories that actually did that one better, because he was registered and had been for a long time, even though he had never voted. You had those who had just registered. But you had also individuals who had never been registered who registered and then voted. I have got information that we are talking about individuals in their 70s, in their 80s.

Lastly, I said three demographic groups. And that was the upsurge in support from Bermuda's white community. I cannot quantify it, but everybody knows it was there. I know in my constituency in Cavendish Heights, I got some white votes in 2012. And I suspect I got a few more this time. Historically, the Progressive Labour Party has always gotten between 2.5 [per cent] to 3 per cent of the white vote. So this time, perhaps it went up to 4 per cent. But certainly, that means that it is something that we need to talk about and encourage.

Like I have said, we are still living in a House and the world that Sir Henry Tucker created back in the 1960s. And as it relates to our political opponents, it is a world predicated upon having almost every white voter voting for the previous UBP and now OBA, and attaching to that a small minority of black votes. That was the formula for electoral success. It worked for them, but it has hurt our country. As I have said before, it has led to a lack of growth and maturation of ourselves as a polity, as a political country that can do politics and ensure that we can move the country forward, as they continue to preach together. That has been one of the biggest impediments in our ability to achieve that.

So, hopefully, we can put to bed, we can close the door (to mix metaphors) on the world that Sir Henry Tucker created. Because I tell you this: If the Progressive Labour Party previously, and even moving forward, had even been able to garner 7, 8, 9, 10 per cent of Bermuda's white vote, Bermuda would be radically different than it is now. Believe me. Those are the three demographic groups. So, there is some cause for optimism.

I just want to add this: Those white voters who support this party, a small number but growing even as members, one or two are now part of the PLP executive, because they know, coming in, that this party has always been advocated and supported the quest for social and racial justice. So these are white Bermudians who say, *Enough is enough! It is time to change,* and who are prepared to sacrifice their white privilege in order to make that happen. They are putting skin in the game. That bodes positive for us, moving forward.

## CLOSING RACIAL DIVIDES

**Mr. Rolfe Commissiong:** Now, Mr. Speaker, my next point on the same line about how we can begin to move forward, how we can begin to close the racial



divides that continue to alienate us, four and a half years, it was one of my first presentations to this House. I do not think it was my maiden speech. I implored the *Royal Gazette* to do the following: I implored the *Royal Gazette* to offer an apology for the role it played during the period of chattel slavery in Bermuda, a period of bondage of persons of African and Native American descent, and for the role it played in maintaining a strict racial hierarchy after Emancipation right up until the 1960s and 1970s.

The *Royal Gazette* was in many ways a tribune of that racial oppression, the message board of white supremacy in Bermuda. *Slave sales. Have you seen my runaway Negro? If he comes for work, don't hire him because he has not given me the full measure of what he owes me.* In the post-Emancipation period, employment ads are basically saying, *Negroes need not apply. Whites only.* I have seen a few of those ads which were featured in that paper in the 1940s and 1950s and 1960s.

Now, this was not an idea that I just came up with. This came from my father. My father was a member of the theatre boycott, Progressive Group, I should say. He and my mother. My father, who would not brag about it—but I will—was the one who came up with the idea for the boycott as a member of the Progressive Group. He said to me in a call one day (and he is from Trinidad), he said, *Rolfe, let me run something by you, boy. Most of the newspapers in the southern states (He now lives in Cape Cod in the US), many of those papers were begun at the same time as the "Royal Gazette" during the Colonial period in the US, they have a history, many of them, that goes right up into the 20<sup>th</sup> century. But after the Civil Rights era in the late 1950s and 1960s in the US, many of those papers that have a similar legacy to the "Royal Gazette" apologised for the role they played in maintaining white supremacy, facilitating the whole slave trade, and after the Emancipation 1865 period in the US basically helped to entrench the whole Jim Crowe system in the South.*

*But the "Royal Gazette," he said, has never apologised!*

And you know, Members, we always hear some members of our white community talking about, *You people need to get beyond this! You need to put it behind us. We need to come together as one.* Well, that is how you do that. Yes, I agree with you. Let the *Royal Gazette* apologise. You see? That is how you begin the process of coming together as one, putting it behind us.

Let us see white Bermudians do what our black Bermudians have done and show more diversity in their choices politically. That is how you begin to put it behind us.

So, we have a reporter here from the *Royal Gazette*. Let the word go out that I, Rolfe Commissiong, have again challenged the *Royal Gazette* to do

the right thing. Okay? Challenged the Bermuda Press Holdings to do the right thing here.

### AT-RISK YOUNG BLACK MEN

**Mr. Rolfe Commissiong:** Now, Mr. Speaker, I am going on to my third point here. I am so happy that . . . and I have to use that word advisedly because in some ways it is nothing to be "happy" about. But we are seeing a growing awareness about the need for us to come to terms with the multigenerational issues confronting our young black men. I am very loath to talk about gang violence, gang culture, not because those things do not exist, but they only exist in a way that, for some people, leads to dehumanisation around this issue.

You see, gang violence and gang formation are symptoms. Because what we are really talking about is a multigenerational issue that pertains specifically to at-risk young and not-so-young black men, as the Member from [constituency] 2 highlighted during his presentation. For me, that is where ground zero on this issue has always been. And that is where we need to redouble our efforts, at that front end, to be able to tackle this issue in a sustainable way.

Certainly, we know that, yes, intervention is key. And we have, I think, an able young Minister who is going to make that happen, he and his team. But let us not forget that unless we deal with it on the front end, there are going to be more coming through that pipeline. And that is what we do not need. We need to ensure that that pipeline is not going to be that pathway to the construction of young black men from working-class families. You see, Mr. Speaker, this is nothing that is theoretical. Many of you who are under 40 years old are not aware that what we are seeing now is what I would call 2.0. Remember Microsoft when it started its software? [Version] 1.0 was the first iteration, 2.0 the second iteration, and 3.0 . . . I think we are up to what, 9 or 10.0 now?

*[Inaudible interjections]*

**Mr. Rolfe Commissiong:** Ten. You see, 1.0 was with my generation when it came to this issue of at-risk young black men. Okay? And we are talking about these young men then who are coming out of the 1970s and 1980s.

Many people have forgotten the older members, and many of the young people are not even aware of this. We had upwards of close to 200 relatively young black men pass away due to the scourge of HIV/AIDS. Most of them, if they were living now, would be between the ages of about 50–55 to around 65–70. Okay? Maybe even 75. Why? Because we are talking about men who were users of heroin and administered the drug intravenously. And when the HIV virus got into that pool of users it went like wildfire. Again, 100 to 80 or more young black men started

dying around 1979, 1980. You hear me? Families lost two sons. Some families lost three sons. I am talking about a number of families who lost more than one son. Many of those were men, mostly, but there were some women, as well, significant others and spouses. Okay?

So by the time you got to the mid- to late 1990s, we were up to 160 individuals, up to 160 to 180 individuals. I was in the company of two men who are both gone now, died as a consequence of the same thing. And I remember hearing them counting off names. *Oh, he's gone. No, that one too? You remember him? What was his nickname now? His name was Secret? Oh, that one's name . . .* And I asked them after listening to this for about half an hour, because there were a group of us around. And he said, *No, we are just counting the number of individuals who have already died by way of HIV/AIDS.* Within 10 years, both of those individuals were gone, as well.

So, you see, this is a multigenerational phenomenon. That is why it is really not about gang violence and gang culture, gang formation, right? In this sense, at a causal level, it is about still posing the question to Bermuda, *What are we going to do with respect to our young black men . . . and, more broadly, our black community?*

Probably more important than even Operation Ceasefire is a living wage for our people. And now getting back to the issue of gang violence, most of that stuff is coming out of these marginalised communities and households who are beset by low income and rising levels of poverty.

Today's paper, for example, reminds us. In today's *Royal Gazette*, the 2010 census has been used to glean the following: Robert Stubbs, who gave a lecture yesterday (last night, I believe), the economist, "Mr Stubbs said that he estimated 23 per cent of Bermuda's population were living in 'poverty' in 2017 or below 50 per cent of the median household income, which he described as a widely accepted definition of poverty. 'It is quite shocking when you see how we stack up internationally,' he said. Mr Stubbs, previously head of research at the Bank of Bermuda, was making a presentation called 'Bermuda 2017: Test Tube to the World' to a small audience at Bungalow 56 last night."

You see, Bermuda is a test tube. One thing we do know is that these outcomes, whether it was my generation or the present, have only been ring fenced around Bermuda's black community. You see, we know that Bermuda has a population of between 30 to 40 per cent of white Bermudians. But yet, we have not seen these outcomes over the last 40 years hitting that community. What is the difference? Do they go to church more than us, Mr. Speaker?

**The Speaker:** You have got less than a minute left, Mr. Commissiong, less than a minute.

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

What is the difference? Do they go to church more than you? Are they more religious than you? The most salient and deterministic difference is that they have a higher social economic status; they are more affluent than black Bermudians. So they are, therefore, insulated from these issues.

I just want to add this: For some people who do not listen . . . do not get me wrong. I do not want to see a Bermuda where the white community is going to have the same outcomes as us, you know. I want to see a Bermuda with a genuine parity and racial equality where the level of these types of impacts is as low proportionately as we find in Bermuda's white community.

**An Hon. Member:** Hear, hear!

**Mr. Rolfe Commissiong:** Let us get that right.

*[Timer beeps]*

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

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

**The Speaker:** Does any other Member wish to speak?

No other Member. No other Member.

We will take the [Deputy] Premier, which means this will close the session when the [Deputy] Premier finishes.

[Deputy] Premier, you have the floor.

## PLP GOVERNMENT'S AGENDA

**Mr. Walter H. Roban:** Thank you, Mr. Speaker.

You know, Mr. Speaker, I almost hesitate getting up to speak at this point only because this motion to adjourn started not on a very good note. Frankly, it started on a very less-than-high standard in reference to the presentation that we were subjected to—not with much optimism, not with much encouragement. It started with . . . It almost was, to me, a rehash. Someone was looking to rehash their fight that they lost in the last general election. That is what it sounded like to me. But perhaps that was just my perception.

Unfortunately, it set a tone for this motion to adjourn which has to be responded to. But I do not hesitate because of that, Mr. Speaker; I hesitate because I am greatly encouraged and enthusiastic by the speeches given by our new Members who reflect the optimism and opportunity that was given to this Government by the people of Bermuda on July 18<sup>th</sup>. Their maiden speeches showed where this country can go.

As was said by the Premier last week, it is clear what is the path, and it is clear what is the future.

It is very clear. Because the future is trying to use their own deficiencies and failures to reignite some sort of fire within their own base and somehow pass their inadequacies onto the Government, of what they were, their own *Paradise Lost*, if I can call it that, their lack of . . . their expectations not met. An inability to meet goals, broken promises. And now they want to fight those battles again in this Parliament, a Parliament that the people clearly sent a message of what they want. They did not want that.

If you did not get the gaming platform right, do not blame us. If you did not meet certain economic goals and expectations which you promised the people, do not blame us. That is your burden to carry. You must reconcile that with your voters, some of whom probably voted for us.

So, Mr. Speaker, that is the tone this motion to adjourn started with. But it was recovered and given life and given optimism by the maiden speeches from the Government benches. They both reflect what the country desires. And what can aptly be said, Mr. Speaker, is that the people saw the light on [July] the 18<sup>th</sup>. They certainly saw the light. They decided on what they definitely did not want and what they definitely wanted. And they definitely did not want to be pepper sprayed. They definitely did not want broken promises. And they voted to reject certain things, Mr. Speaker. They voted to reject the idea that was postulated by the former administration that, *All we need is foreign investment and foreign labour to turn this around*.

They voted to accept Bermudians first! That is what they voted for, Mr. Speaker. They voted for Bermudians to be first in education, first in opportunity, first in jobs, first in entrepreneurship. That is what they voted for. They did not vote to be pushed to the back of the line for the sake of economic advantage or economic opportunity, as was shaped by the former administration. They voted to be first in training. They voted to be first for the opportunity to start a business, not just to get a job, but actually start a business and to have a future in this country. That is what they voted for, because they did not find that opportunity with who was handling their affairs prior to the 18<sup>th</sup> of July, Mr. Speaker.

They voted for red carpet for local business, not for international business. They voted to have a sincere and honest discussion of what separates us around race, around income inequality. That is what they voted for, not for it to be proclaimed on the floor of the House and then to be not acted on, ultimately, in the end in any sincere way. That is what the voters voted for, Mr. Speaker. They did not vote for the message that I heard at the beginning of this motion to adjourn.

They voted for economic revival, not economic stagnation. And when I say revival, a revival that was inclusive, Mr. Speaker, of everybody in the country, the stagnation they did not want that continued to

reward those who still have, and only and always have had. That is the stagnation that this country has been plagued with for generations, a stagnation that does not include all those who desire the opportunity. That is what the voters voted for, Mr. Speaker. And that is what they found with those who came before us. They voted for transparency; they voted for honesty. They voted to reject promises of jobs and also voted to reject the promise of money to be in an account for their children not yet born, which no one still has told us yet how it was going to be paid for.

They voted against being told that money does not grow on trees or that the country has no money. But money was found for priorities which they felt did not include them. That is what they voted against. And they voted for something else, Mr. Speaker. They voted against Pathways to Status. They voted for pathways of opportunity and partnership. That is what they voted for, Mr. Speaker—not the message that we heard from the other side in this motion to adjourn. That is what the people voted for.

And, Mr. Speaker, that is what this Government is going to do its best to deliver. That is what is embodied in the maiden speeches of those two Members who have spoken here today. That is what is embodied in the commitment by the Honourable and Learned Member from constituency 21 to see people helped through the possibility of a living wage. That is what is embodied in our commitment, to see our seniors not gripped with economic peril in their lives going forward.

This Government is committed to all of that. And that is why I am spending most of my time in this motion to adjourn not pointing fingers at anybody else or criticising, but actually . . . The Government is committed to what the people voted for. The Government has been elected to address gaming, but address it in a way that will be right for Bermuda, going forward, to, if necessary, build on the work of our predecessors, but to get it right, not the stagnation that we saw around this issue for four years, after promises. They do not want empty promises anymore, Mr. Speaker. That is why we hear the stories of people who had never voted before coming to the polls, because they wanted something different. They clearly wanted something different. And they made it very clear.

So, what is our task in this House, going forward? It is to give the people what they voted for and for the Opposition to embody that principle, as well. And as we have tried to make clear, the response to the Throne Speech did not embody the Island. It embodied something else. It did not embody an Opposition that has learned. It did not embody a party that suffered a defeat and is in a period of reflection and rebuilding. No. Here we have a group, unfortunately, who seems to be more interested in rehashing stuff that they found on the Internet and trolling vociferously rather than coming to the House and dealing with the

issues that the country faces, some of which we can, potentially, do together and get solutions together. But, no.

The Throne Speech Reply sets the agenda for the year. Their agenda is not one of working in partnership with the Government, because it opened with antagonism, just as, unfortunately, the opening of this motion to adjourn opened today.

So, Mr. Speaker, we have had a successful day, I believe. Legislation has been passed that is going to, we hope, improve the economic situation and the situation that we do business in, continue the work that is necessary to keep Bermuda on track and to ensure . . . and the Government is following its agenda, an agenda given in mandate by the people of this country.

And it is for the Opposition to partner with us or not. They have the choice. But to rehash their election loss . . . I think the public has already sent a message of how they feel about that sort of practice. They want the future. As I said, I believe that the future is on this side of the House; thus far it is improving. The past seems to be still playing in the Opposition benches. But that is for them to sort out.

I know the responses I get from the community as I move around dealing with many of the tasks that I have been given responsibility for. People are optimistic. That is why they are going around clipping their own hedges around the world, because they feel empowered. They want their community to improve. They are not leaving it just to the public officials to do. They believe it is in their hands. They did not feel that way before [July] the 18<sup>th</sup>. But many are feeling like that right now, Mr. Speaker. And it is the responsibility of us in the Government and the Opposition to ensure that continues, because that will help our country. That will help to break boundaries. That will help to build strength in the economy, optimism, and people moving forward, if we all participate in pushing the sense of ownership that seems to have embodied many in the community today.

I sincerely hope that the Opposition does that, because it certainly will help their own community that they have responsibility for, just like I have mine in [constituency] 15, Members have in [constituencies] 22, 7, 10 . . . the list goes on . . . [constituency] 30. They all have responsibilities for those voters. But those voters will lose if they continue to come to this House and do as they did at the beginning of this motion to adjourn. The country wants results from all of us. This Government is committed to results. That is why our Throne Speech sets an agenda that we feel can be completed in this calendar year. No over-promise, because we are committed to delivery, Mr. Speaker.

And we hope that the Opposition, in whatever role they choose to play in this House, will ensure that happens, because that is what the people desire. Sixty per cent of the voters made it clear what they want.

They may have wanted a different government, but they want results. And the Opposition has to prove that they are a part of that. We are ready to work with them. That is why we have many intentions of partnering with them on the big issues. That is embodied in our platform and in our Throne Speech. In many a country, Mr. Speaker, a government that got 60 per cent would not have to partner with anybody. But that is not the PLP way. Despite the significant mandate, we are committed to publish it with our opponents in this House, to see Bermuda go forward in a more unified manner.

But it is up to the Opposition if they want to participate in that manner instead of dig and dig on false allegations and innuendoes and anything else, or try and replay the election here in this Chamber. It is their choice. But we are committed to results for the people of this country, Mr. Speaker.

And with that, I take my seat.

**The Speaker:** Thank you, Mr. [Deputy] Premier.

The House now stands adjourned until next Friday at 10:00 am.

*[Gavel]*

*[At 6:13 pm, the House stood adjourned until 10:00 am, Friday, 29 September 2017.]*

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**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT  
29 SEPTEMBER 2017****10:00AM***Sitting Number 4 of the 2017/18 Session*

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

**PRAYERS**

*[Prayers read by Mrs. Shernette Wolffe, Clerk]*

**CONFIRMATION OF MINUTES**

*[Minutes of 22 September 2017]*

**The Speaker:** Members, we received the Minutes of the 22<sup>nd</sup> of September.

Any objections? Any amendments?  
The Minutes are confirmed.

*[Minutes of 22 September 2017 confirmed]*

**MESSAGES FROM THE GOVERNOR**

**The Speaker:** There are none.

**ANNOUNCEMENTS BY THE SPEAKER  
OR MEMBER PRESIDING****APOLOGIES**

**The Speaker:** There are actually three announcements this morning.

The first announcement is that we received notice from three of our Members indicating that they will be absent today. [They are] the MP Scott Simons, MP Leah Scott, and Minister Zane De Silva.

Also at this time, we would like to acknowledge the fact that serving us today as acting Sergeant-at-Arms will be our former Sergeant-at-Arms, Mr. Albert Fox, in the absence of Mr. Allen.

*[Desk thumping]*

**MESSAGE FROM THE COMMONWEALTH  
PARLIAMENTARY ASSOCIATION**

**The Speaker:** Further, I have a letter that we received from the CPA that I would like to read out at this time. And it is basically to all the branches in reference to the recent hurricanes. And it reads,

“On behalf of the Membership of the Commonwealth Parliamentary Association, the Caribbean, the Americas, and the Atlantic Region, the Regional

Secretariat wishes to commiserate with those countries which suffered utter devastation in the wake of the recent category 5 Hurricane Irma, which swept the northern Caribbean last week. We recognise the people of Anguilla, Antigua and Barbuda; the Bahamas, the British Virgin Islands, and the Turks and Caicos Islands [are] among the countries in the Caribbean region who experienced this storm of epic proportion and are now trying to deal with the aftermath, which, sadly, will last much longer than the passage of the storm. Please know that the Region stands behind you in your efforts to rebuild and return to normality. And we encourage you to keep strong in this face of adversity.”

It is signed by Heather Cooke, the Secretary for the Caribbean, Americas, and Atlantic Region.

I would also like to just note that we should, in giving consideration there, express consideration and concern for Dominica, which, after this letter was penned, also suffered the effects of Hurricane Maria.

**MESSAGES FROM THE SENATE****PARLIAMENTARY JOINT  
SELECT COMMITTEE APPOINTMENTS**

**The Speaker:** We have one message from the Senate.

“To his Honourable Speaker and the Members of the Honourable House of Assembly,

“I am pleased to announce the appointment of Senator James Jardine and Senator Vance Campbell to serve as the Senate’s representatives on the Standing Parliamentary Joint Select Committee on Private Bills.

“And I am further pleased to announce the appointment of Senator Nandi S. Outerbridge and Senator Vance Campbell to serve as the Senate’s representatives on the Standing Parliamentary Joint Select Committee on the Registrar of Members’ Interests.”

It is signed by the President of the Senate, the Honourable Joan Dillas-Wright.

**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE**

**The Speaker:** There are none.

## PETITIONS

**The Speaker:** There are none.

## STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

**The Speaker:** Yes, we have seven Statements today.  
First, I will recognise the Premier.  
Premier, you have the floor.

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

**The Speaker:** Good morning.

### RECENT NEW YORK AND WASHINGTON, D.C., VISITS

**Hon. E. David Burt:** Mr. Speaker, I rise today to inform this Honourable House of my [recent visits to New York City and Washington, DC](#).

Along with the Minister of Economic Development and Tourism, his Permanent Secretary, and a representative of the Bermuda Business Development Agency, I visited New York from the 19<sup>th</sup> through the 21<sup>st</sup> of September to meet with individuals and companies interested in doing business in Bermuda.

Mr. Speaker, I am pleased to report that there is excitement about the new direction in which Bermuda is heading and a keen receptiveness to our message that Bermuda is open for business and for investment.

While in New York, we hosted a luncheon attended by 24 guests including investment professionals, wealth managers, and venture capitalists. The guests included representatives of Chinese State companies and wealth managers of Gulf State families. Our discussions covered a wide range of areas including hospitality, technology, agriculture, energy, and transportation. We also met with leading law firm Katten Muchin Rosenman LLP, Rosecliff Ventures, Wafra Investment Advisory Group, Inc., Ridgewood Investments and Astor Investment Management.

Such meetings are a critical component of our efforts to grow and diversify our economy, and to create jobs. In order to do so, we must increase our international profile and interest in Bermuda as a well-regulated jurisdiction in which to conduct business. The visit provided an opportunity for us to advance our agenda, including the creation of a tech hub at Southside and encouraging the development of start-ups based in Bermuda.

You would also recall that after leading the debate on a number of Bills in the morning session at our last meeting, I had to quickly leave in order to depart for Washington, DC, to attend the Congressional Black Caucus Foundation Annual Legislative Conference event, at the invitation of US Congressman, the

Honourable G. K. Butterfield, a dear friend of Bermuda. The Minister of Economic Development also joined me on this visit.

The Congressional Black Caucus event presented an excellent opportunity to connect with lawmakers and influencers in Washington, DC. We have committed to reopening the Government of Bermuda's Washington, DC, Office, and this visit not only enabled us to renew relationships, but also to meet with key individuals who are well placed to assist us in that reopening.

As was the case with the New York visit, this visit, too, furthers our efforts to communicate that Bermuda is open for business and investment. We are committed to growing and diversifying our economy and to the creation of jobs, for the benefit of all Bermuda.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Premier.

We have a further Statement.

I recognise the Minister for Marine and Ports, the Deputy Premier.

Deputy Premier, you have the floor.

### A FLEET STATUS REPORT—DEPARTMENT OF MARINE AND PORTS SERVICES

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

Mr. Speaker, I rise today in this House to report on the [Department of Marine and Ports Services](#) [the Department]. Unfortunately, right now the Department requires additional funding for the year, which, if it is not addressed, would leave Bermuda's marine fleet service unable to properly serve the Island's residents and visitors alike. This is as a result of a number of interrelated factors.

Marine and Ports Services is a key department within Bermuda's transport structure. The Department is essential to all of our shipping; it coordinates the transport of commuters and visitors on the water from St. George's to Sandys and all throughout the Island; and it manages aids to navigation and all matters related to activity on Bermudian waters.

In respect to the funding shortfall, first there is the factor of the America's Cup event this year, which required additional passenger lift between Dockyard, Hamilton, and St. George's. This resulted in an additional ferry boat schedule in May and June of this year, which operated in conjunction with the normal full-service ferry schedule. The two schedules combined to all but exhaust the Department's budget allocation in the areas of fuel, inventory, and overtime.

During the America's Cup event, the Department of Marine and Ports Services operated a total of nine ferries at the weekend, compared with the normal summer schedule of four weekday ferries and two weekend ferries. The additional lift caused an excessive burden on these budget items. Exacerbating the

situation is the fact that, unfortunately, the Department did not have additional funding in its budget to cover the expense of the America's Cup.

I pause here, Mr. Speaker, to commend the Marine and Ports staff who performed to a very high standard throughout the America's Cup and received many well-deserved kudos for their hard work and professionalism.

However, the America's Cup was only one factor to take into consideration with respect to the Department's shortfall. A second factor was the leasing of the Rhode Island *Millennium* ferry for a fifth year in a row, which caused a further drain on the funding resources of Marine and Ports.

Mr. Speaker, you will recall the *Millennium* ferry was originally leased to assist with passenger lift from Dockyard to St. George's during a period when the Marine and Ports ferry fleet was to undergo major maintenance by way of a required mid-life refit. However, it appears that the maintenance did not take place until this past winter when a portion of the required work was carried out, some five years after the *Millennium* was first brought to Bermuda. So far, these "catch-up" repairs have cost the Bermuda Government \$2,418,435 in materials, parts and labour.

To meet the expenses of the *Millennium* ferry, the Department was allocated \$862,000 in the current fiscal year. However, actual costs will be approximately \$1,500,000 for the six-month period. This amount consists of the ferry's base contract price of \$1,250,000, together with crew travel costs, housing, fuel, international crew wages, and vessel delivery fees.

To meet a contractual obligation with respect to an instalment payment in June of this year, the Department completed a budget [virement] that transferred funds from the very areas—fuel, inventory, and overtime—now impacted by the budget shortfall. Mr. Speaker, given that the total cost of the *Millennium* to Bermuda by the end of this year will be approximately \$7,933,728, one can argue that we could have simply purchased a new ferry for ourselves. Third, and this gets to the crux of the matter, for the fiscal year 2017/18, the Department received an operational budget allocation of \$20,097,138. This represents an increase of just 1 per cent over the prior year's budget allocation of \$19,900,000, which itself proved inadequate to meet the demands of the marine fleet for the 2016/17 fiscal year.

A combination of the above-mentioned factors means the current year's budget allocations for fuel, inventory, and overtime are now largely depleted, and we have more than half of the budget year left. The funds have been spent on the America's Cup and the *Millennium* ferry.

Therefore, Mr. Speaker, Honourable Members are being informed that the Department will require additional funding in the amount of \$1,674,440. This is absolutely necessary to enable the fleet and tug boat

services to meet service-level schedules for the remainder of the 2017/18 fiscal year. The funds cannot be obtained elsewhere in the Department's or Ministry's budget allocation, and, as such, a Supplementary Estimate has already been placed before the House.

Although, like other government departments, Marine and Ports has experienced extensive vacancies as a result of retirement, resignation, and the hiring freeze, in addition to having newly established posts linked to the approved re-organisation of the Department, it is critical for the Department to maintain its marine fleet in an optimal condition. A programme of maintenance and repair is required for the fleet to keep its Lloyd's of London class certification. Falling out of class is not an option. Additionally, with the *Millennium* ferry contract coming to an end this year—I repeat that, *coming to an end this year*—it is imperative the existing fleet be properly maintained, with repairs taking place in a timely manner.

Mr. Speaker, going forward, I am pleased to report Marine and Ports can satisfy its service obligations to the Bermuda community, with its existing fleet, which is fully operational now. The Department is recruiting the staff needed to ensure that it retains the necessary class certification, with a regular maintenance and repair programme. The future looks good for the Department of Marine and Ports Services.

Thank you, Mr Speaker.

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

I understand that you have a second Statement. Would you like to do that Statement now as well?

**Hon. Walter H. Roban:** Yes, please.

**The Speaker:** Deputy Premier, you have the floor.

## THE STATE OF PUBLIC TRANSPORTATION— BUSES

**Hon. Walter H. Roban:** Mr. Speaker, Honourable Members of the House, I rise today to give a statement on [the situation regarding our public buses](#).

The Department of Public Transportation [DPT] has had a high number of buses out of service in recent months. This has been a challenge for the Government since taking office on July 18<sup>th</sup>. We also recognise this has been challenging for commuters, school students, and visitors to the Island. What has been going on with buses for some time now is not a secret. For this reason, the Government believes it is imperative to be open about the situation—what it is we are dealing with and the planned way forward.

The reasons for the buses being out of service are numerous and varied. Some of the issues relate to design. Some of them are as a result of the bus fleet simply being old.



With respect to age, the bus fleet has an average age of 11 years, when the industry norm is 7 years. In fact, we have some buses that are 20 years old. Although new buses were purchased in 2009 and 2014, this was insufficient to keep the average age of the fleet commensurate with best practice. To remedy this, more needs to be done to augment a fleet that is on the road 18 hours a day, almost every day of the year. The newer buses are being utilised more often in the rotation, which, in turn, means that they are ageing faster. The remainder of the fleet is older, and with so many buses out of service, the Department of Public Transportation is unable to carry out a programme of preventive maintenance as it has done in the past.

However, I am pleased to report that, in addition to the four new buses already ordered and due on Island at the end of the year, the Office of Project Management and Procurement is currently reviewing a request for proposal prepared by the department, which seeks tenders for up to eight new buses. As stated in the Throne Speech, the Government will continue with this long-overdue re-investment in the bus fleet.

Mr. Speaker, with the new buses on order, DPT mechanics have used their knowledge to eliminate, as much as possible, design flaws that plague the existing fleet. For example, the engine compartment on the buses, as received from the manufacturer, is enclosed. However, in Bermuda's summer temperatures, this results in overheating of the vehicle, which puts it out of service. The new buses will have vented engine compartments to ensure sufficient air circulation around the engine.

Overheating, generally, can result in the buses being put out of service when air-conditioning fails. If the bus does not have windows that open, then it is difficult to provide relief for passengers and bus operators. The new buses will have windows that open.

The proximity and proliferation of Bermuda's roadside vegetation is another issue. DPT has worked with the current bus manufacturer, MAN, to find a solution that addresses the infiltration of vegetation into the radiator, which is the main part of a bus's cooling system. This involves fitting a pan under the radiator to stop debris from being sucked in and causing overheating.

Also, buses that have fabric seats are susceptible to spillage of drinks or to rainwater when the windows are left open (for those that have windows). Something as simple as wet seats can put a bus out of service. The new buses will not have fabric seats. (They will have windows, though.) This is possibly less comfortable, but it will be easier to keep the buses clean and dry.

On matters of cleanliness, I should point out that all buses have signage indicating, "No food. No drink." This is to avoid food scraps being left behind, as a bug infestation can put buses out of service. This

is an issue of human behaviour, and we all can help to make a difference by changing our individual behaviours on the bus.

Mr. Speaker, no doubt Honourable Members will want to know what is being done now to reduce the level of buses out of service. I can report that, with respect to the engines overheating, vents are being retrofit on the existing buses in the fleet. In addition, new radiators are being installed, as well.

To address the high temperatures in the interior of the buses, an appropriately qualified bus operator was transferred to the maintenance division to assist with hastening air-conditioning repair. Also, DPT is working to ensure that all buses have working fans and sun visors in the operator's compartment, in addition to seeking quotes to tint the driver's side window. These measures will reduce the likelihood of a bus being taken out of service due to temperatures that are too high. Remember: It is not necessarily *engine problems* that cause buses to be taken out of service.

Also, the Government supports the filling of funded, vacant posts in the Department of Public Transportation. With the age of the fleet and the difficulty of maintaining sufficient numbers of buses on the road, additional mechanics are being hired. Once their training on the bus systems is complete, they will bring much-needed extra manpower to the maintenance division.

An important element of the maintenance process is the tracking, ordering, and control of inventory. Online inventory tracking is unavailable at the present time, but the Government considers resolution of this matter to be a high priority. The Department will be working with the Accountant General's Office to achieve the online inventory system.

All of this, Mr. Speaker, provides some assurance that DPT is addressing the challenges encountered with the existing fleet of buses, to the best of its ability, plus taking steps to ensure that the new buses do not start service in Bermuda with the current disadvantages.

For the travelling public, however, there remains the challenge of consistency with respect to the bus schedule. As announced previously, the Department of Public Transportation has hired minibuses to service the schools. However, until the level of buses out of service is consistently below 40, it will continue to be extremely difficult to fulfil the promise of the published schedule for the general public.

To assist in supplying the travelling public with timely and, to the extent possible, accurate information on buses and bus routes, DPT is working with the Department of Communications to improve the flow of cancellation information. The existing process of notification is antiquated, cumbersome, and fraught with difficulties. Not least, it is hampered by the sudden change in circumstances of each bus. Vehicles can be pulled out of service without any prior notice for any number of reasons. On many occasions, out-

of-service buses have outstripped the number of in-service buses. A revamped communications process will need to be more nimble and responsive to ever-changing circumstances, at least until such time as the bus fleet is stabilised.

Working together, the Departments of Communications and Public Transportation have already implemented a system of direct notification of bus cancellations to media outlets. We expect to see further improvements to the communications process shortly, and will continue to work towards additional enhancements where possible.

Mr. Speaker, the difficult economic times encountered in recent years, and decisions made on spending priorities, have resulted in an overall lack of investment in the material and human resources for the Department of Public Transportation. Most unfortunately, this means that DPT is unable to provide the published and expected bus service, despite the hard-working efforts of its staff. Notwithstanding, DPT has, and will continue, to put into place short-term remedies while, at the same time, working toward long-term effective solutions. As such, the Government would like to acknowledge and thank the public for its patience at this time.

Looking ahead, Mr. Speaker, three additional actions are in progress or will be shortly. First, DPT is seeking to fill existing vacancies within the Department, particularly in the maintenance division. Second, the Department is proceeding with development of a new strategic plan. This will help with respect to bus transportation system structure, direction, and issues.

The plan will be valuable when looking at DPT's role as work commences on the third action: the Ministry's Green Paper on Transportation. The Green Paper will be a wide-ranging review of Bermuda's transportation needs, desires, and options. There will be extensive opportunities for the community to participate, contribute, and learn. As recently as last week, I attended a town hall meeting with public transportation representatives, organised by the Ministry of Health and the Disability Advisory Council, on *Transportation Services for Persons with Accessibility Challenges*. This clearly demonstrated the need for further dialogue and highlighted the many viewpoints that ought to be integrated into the debate. As work on the Green Paper progresses, I anticipate a lively and enlightening discussion, along with the development of innovative and workable solutions.

Thank you, Mr Speaker.

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

We have a further Statement. For the next Statement, we recognise the Minister of Education. Minister Rabain, are you ready to do your Statement?

**Hon. Diallo V. S. Rabain:** I am.

**The Speaker:** You have the floor, Minister.

*[Inaudible interjection]*

**The Speaker:** Oh, I am sorry. I did overlook you, Minister Brown. But being that Minister Rabain is on his feet, if he is ready . . . or would you like to go now? We will let the Minister . . .

My fault; I overlooked Minister Brown.

Minister Brown, you have the floor, then. Yes.

**Hon. Walton Brown:** Good morning, Mr. Speaker, and good morning, colleagues. I know I am from Pembroke, Mr. Speaker—no reason for me to be overlooked.

*[Laughter]*

**The Speaker:** You are further down the room than your colleague down front here. See?

#### AN EXPLANATION OF THE RECENT FISH DIE-OFF

**Hon. Walton Brown:** Mr. Speaker, I rise today to inform this Honourable House about the [fish die-off](#) that has been occurring this month. Honourable Members are probably aware of the hundreds of reef fishes that have been dying around the Island or washing up on our shoreline. The Department of Environment and Natural Resources started receiving evidence of this phenomenon at the beginning of September, and [evidence] is still coming in. This die-off has been affecting a wide range of fish species, from butterfly fishes to parrot fishes to large black groupers.

Mr. Speaker, it is not unusual to see fishes dying at this time of year when the seawater is at its warmest. Increasing temperatures reduce oxygen levels in the water, which affects some species of fish. Furthermore, warmer temperatures stimulate the growth and reproduction of bacteria, viruses, and other parasites that are naturally occurring in our waters, which can affect fish health. In the last couple of weeks, however, it has become apparent that Bermuda is witnessing a fish die-off of a magnitude not seen since at least 2009.

Mr. Speaker, the reasons why so many fish have been affected this year are not clear. However, technical officers are almost certain that water temperature has paid a large part in the deaths. Sea surface temperatures around the Island have been higher than normal for a couple of months. This August, the average sea surface temperature was 85.8 degrees Fahrenheit, which is 2.8 degrees above normal. And temperatures during the first three weeks of September averaged 84.6 degrees Fahrenheit, 3.3 degrees above normal. In all, sea surface temperatures were 84.9 degrees Fahrenheit, and higher, for two months without any respite.

Mr. Speaker, it is difficult to determine the cause of a fish's death, after it has been dead for a while, due to secondary infections that take hold after death. Therefore, technical officers searched for fish that were clearly in poor health, but not yet dead, in order to determine why so many fish were dying. With the help of several individuals, notably, Dr. Thaddeus Murdoch, Mr. Jirani Welch, and the staff of the Department of Parks, a few dying and freshly dead fish were collected for examination. Officers examined several organs from the collected specimens and found that the gills of each specimen were heavily infested with a mobile single-cell parasite that resembled *Brooklynella*. This species was linked to the fish die-off event in 2009. The other organs from the examined specimens did not show any obvious signs of pathogenic effects.

Mr. Speaker, in large numbers, *Brooklynella* parasites can cause serious damage to the gills of a fish, which make it difficult for the fish to acquire oxygen from the water. This generally leads to the fairly rapid death of the fish. When the water gets warmer, the life cycle of this parasite accelerates, and this is compounded by the fact that fish are often stressed when the water is warmer, in any event.

Unfortunately, there is nothing we can do to prevent deaths of this nature. Nevertheless, Mr. Speaker, I would like to stress the importance of investigating events such as this to confirm the cause of death and make sure that any actions that can be taken to preserve our marine environment are put in place whenever possible. Fortunately, sea water temperatures now appear to be dropping in the wake of recent storm and hurricane activity, and it is anticipated that, with cooler water temperatures, fish deaths will decrease.

Thank you, Mr. Speaker.

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

Now I will recognise the Honourable Minister of Education.

Minister, you have the floor.

### FINANCIAL SUPPORT FOR BERMUDA COLLEGE STUDENTS

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker, and good morning, colleagues.

Mr. Speaker, I rise this morning before this Honourable House to provide an update on the recent grant that was awarded to Bermuda College for offering [financial support](#) to its students.

Mr. Speaker, let me first remind my honourable colleagues that the Progressive Labour Party Government made a promise to the people of Bermuda that, during its first 100 days in office, we would "provide financial support to students in need, to ensure access to Bermuda College for all Bermudians

and increase job training to prepare Bermudians to fill jobs held by guest workers."

Mr. Speaker, I am most pleased to share with my honourable colleagues that, on August 15<sup>th</sup>, 2017, this Government fulfilled that promise and announced that a grant would be issued to Bermuda College which, in turn, was used to provide financial support for 183 students seeking to attend academic and job-training courses.

*[Desk thumping]*

**Hon. Diallo V. S. Rabain:** The funding for this grant was not additional monies allocated to the Ministry of Education and Workforce Development, but rather a reallocation of funds within the Ministry.

Mr. Speaker, the grant was to be used to financially assist students enrolled in three categories of study at the Bermuda College: (1) non-programme and programme Academic Division courses; (2) Professional and Career Education (PACE) programmes. This is a new benefit for potential students, as, currently, the Bermuda College does not provide funding for students enrolled in the Division of Professional and Career Education; and (3) bachelor's degree programmes offered through the Bermuda College.

Mr. Speaker, as a result of this grant, Bermuda College received 197 applications during the nine-day period between the press conference to announce the grant, and the application deadline [date]. Of the 197 applicants, 131 requested financial support to enrol in courses offered by the academic divisions; 66 requested funding to enrol in courses administered by PACE; and of the PACE applications, 18 students were seeking funding for the bachelor's degree programme offered by Mount Saint Vincent University through the Bermuda College.

Mr. Speaker, the financial awards granted ranged from 30 per cent to 80 per cent of a student's educational costs, with the educational costs defined as "the value of tuition, plus fees." Students were required to complete an application form, in addition to a financial worksheet to demonstrate financial need. Also, current students needed to have a grade point average of 2.0 or higher.

Mr. Speaker, the main criteria for determining financial need was a comparison between the applicant's annual household income and the median household income of \$102,024, as reported by the *2013 Household Expenditure Survey Report*, which is the latest available produced by the Department of Statistics. However, other factors were also considered, as follows:

- the number of persons supported by the household income;
- the monthly balance of income and expenses, as demonstrated by the financial worksheet;

- educational costs funded by the household income, such as child care, other dependents at Bermuda College or overseas; and, lastly,
- any extensive debt owed such as medical bills, credit associations, et cetera.

Mr. Speaker, let me first share the distribution of funding for persons enrolled in the Academic Divisions. Eighty-six individuals who applied for funding through the academic divisions received funding. An additional 40 recipients who had already received the maximum available funding from Bermuda College's financial aid programme were also granted financial support as a result of a needs assessment conducted during the Bermuda College Financial Aid process. Hence, a total of 126 awards were granted to students enrolled in Academic Division courses. Of the 126 awardees, 54 are new students to Bermuda College and 72 are returning students. The total amount paid out to the 126 students enrolled in Academic Division courses was \$102,501.50. The minimum amount received by a student was \$132, while the maximum amount a student received was \$1,760. On average, the amount received per student enrolled in the Academic Divisions was \$813.50.

Mr. Speaker, I will now turn to the funding awards for students enrolled in the Professional and Career Education Division of the Bermuda College, which is otherwise known as PACE. As a reminder to my honourable colleagues, this is the first time funding has been made available for students enrolled in PACE. Mr. Speaker, there were 66 students who applied for courses offered by PACE, of which 63 students received funding. Forty-six students registered for the open enrolment courses, while the remaining seventeen enrolled in the Mount Saint Vincent University Bachelor of Business Administration degree programme.

Mr. Speaker, as you are aware, the PACE Division of the Bermuda College serves the non-traditional students by offering both professional and workforce development training. This helps individuals achieve both professional and career goals in the workplace. As a result of the funding provided, this division received 56 new registrants, of which the majority of these students were unemployed, while the remainder were temporary, seasonal, or part-time employees.

Mr. Speaker, the total amount of funds provided to PACE students was \$91,212.53. Awards in the amount of \$43,869.60 went to the 46 open enrolment students, and \$47,342.93 to the 17 Mount Saint Vincent University students. The minimum amount of financial support to the open enrolment students was \$235, while the maximum was \$2,312. On average, the amount received per student was \$953.69. The Mount Saint Vincent University students received between \$385.00 and \$5,444.42, with the average amount received totalling \$2,784.88.

Mr. Speaker, approximately \$193,714.03 has been expensed to date from the \$300,000 grant to the Bermuda College, leaving a balance of \$106,285.97, which will be used to assist students with their tuition in the 2018 spring semester.

Mr. Speaker, as I close, let me share with this Honourable House one statistic that is worth noting—67 percent of students who received financial support to participate in the Academic Divisions and 98 per cent of students supported in courses offered by the PACE Division received the maximum financial award, reflecting 80 per cent of their total educational costs.

Mr. Speaker, this stemmed from the fact that the student's annual household income was less than \$51,012, which represents 50 per cent of the 2013 median household income in Bermuda, which is also the widely used definition of "poverty." This is significant and underscores the need for the establishment of a living wage in Bermuda, and it underscores this Government's position to have a better and fairer Bermuda for Bermudians. As such, we will continue the provision of all available resources, as needed, to ensure access to higher education and access to job-training courses at the Bermuda College, for all Bermudians.

Thank you, Mr. Speaker.

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

Minister, I understand that there is a second Statement on your behalf. Would you like to read that Statement now, Minister?

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

**The Speaker:** Continue.

#### RELEASE OF NEW GEOGRAPHY TEXTBOOK FOR YOUNG GEOGRAPHERS

**Hon. Diallo V. S. Rabain:** This Statement is on the release of a new Geography textbook for young geographers. Mr. Speaker, I rise this morning to share with Members of this Honourable House and to the listening audience an exciting public/private partnership initiative related to the release of a new geography textbook for primary schools, titled [Young Geographers](#). The textbook was a collaborative effort between Panatel VDS Ltd. and the Department of Education. The book has a Bermudian focus, which will be a resource for teachers delivering Module D of the social studies curriculum that focuses on the environment. The textbook will be used specifically to introduce our P1 to P6 students to geography and teach them about the Bermuda environment.

Mr. Speaker, let me share two contextual definitions associated with geography and geographers. As we are aware, geography is the study of specific places on earth and the relationships between people and their environment. Geography seeks to develop

key skills as they relate to the understanding of where places are found, why they are there and how geographical areas developed and changed over time. Similarly, geographers study how people interact with the environment and with each other from place to place. Geographers also classify earth into regions in order to draw generalisations about the complex world in which we live.

Mr. Speaker, our teachers will expose P1 to P6 students to the world of geography in the Bermuda context through the use of this book. Students will learn about the various types of geographical maps, and how to read city maps and interpret information, using tables, graphs, compass points, and geographical scales. Students will be taught how to navigate the Cities of Hamilton and St. George's, using topographical maps. They will also understand the geographical size and structure of the Island as it relates to parishes and the many smaller islands linked by bridges. There will also be lessons taught on Bermuda's land formations, its natural rock caves, Bermuda vegetation, and its local plants and animal life.

We all understand the importance of planting seeds when soil is fertile so that it guarantees fruit. This is our intent as we expose the fertile minds of our primary school students to the understanding of origins and features of the Bermuda environment. The basic geographical concepts understood from the local environment will form the foundation for our students to build on and conceptually link to the global perspective as they progress to the middle and senior school levels, and ultimately beyond to tertiary schooling.

Mr. Speaker, Bermuda is a leading international financial centre. Bermuda is also a business hub and tourism destination. Developing these types of skills in our students through the delivery of a social studies curriculum of geography at the early grade levels of P1 to P6 is essential. Certainly, such skills sets, through continuous nurturing, would also lend to the development of a citizenry who understand the relationship between geography and economics; the relationship between humans and the environment in which they live; and the importance of establishing environmental policies for sustainability.

Mr. Speaker, I would also like to acknowledge and congratulate those individuals who were instrumental in making the *Young Geographers* book a reality for youths in our primary school. This initiative was led by Lisa Marshall, Education Officer for Social Studies; Wendi Fiedler, of Panatel VDS Ltd. The actual text in the book was written by Rebecca Chewitt, a former CedarBridge Academy geography teacher.

Other contributors to the textbook were Andrew Dobson; Anthony Wade; Richard Lee; and Mark Outerbridge, who provided photographs. Sean Patterson and Jamie McDowell also provided some maps. Donna Pink, Assistant Project Manager at Candice Dickinson, designed the layout; and Elizabeth

Mulderig, who granted permission for the use of *Tiny the Tree Frog*, a much-loved character in her local children's books about Bermuda.

In closing, on behalf of the Bermuda Government and the Department of Education, I thank all involved in the creation of this new geography textbook for primary schools, entitled *Young Geographers*. I am confident that their efforts will benefit both current and future generations of our children in Bermuda.

Thank you, Mr. Speaker.

And I would also like to add that I did bring one book, and I passed it on to the Shadow Minister of Education. But I will bring additional books [to our] next sitting.

*[Desk thumping]*

**The Speaker:** Thank you, Minister. You can table that book when you bring it next week so the House has it here for the record.

We have a further Statement. I believe it is the last Statement for this morning. And it is from the Minister of Economic Development and Tourism. Minister Simmons, you have the floor.

#### **BERMUDA ECONOMIC DEVELOPMENT CORPORATION LOAN GUARANTEE PROGRAMME**

**Hon. Jamahl S. Simmons:** Good morning, Mr. Speaker, and good morning, Bermuda.

Mr. Speaker, I rise today to provide an update on one the Government's 100-day promises under the Ministry of Economic Development and Tourism. As you may recall, Mr. Speaker, in our election platform, we pledged to double the guarantee capacity of the [Bermuda Economic Development Corporation](#) (BEDC) to give more access to capital for entrepreneurs. I am pleased to report that Cabinet has approved the increase of BEDC's capital from \$1 million to \$2 million, thereby laying the foundation to assist many more local entrepreneurs through doubling its guarantee capacity.

Mr. Speaker, what does this mean? Well, before I explain, I think it would be helpful to give some historical context of BEDC. Established on January 20<sup>th</sup>, 1981, to provide advice and support to Bermuda's local small businesses, in 2011 the BEDC remit was expanded to serve not only Bermuda's local small businesses, but also its medium-sized businesses, vendor markets, and the Island's economic empowerment zones [EEZ].

In 2015, the BEDC was given the authority to manage the Island's peddlers and vendors industry, thereby becoming a one-stop shop for all things entrepreneurial, for Bermuda's local businesses from start-up microenterprises to established medium-sized entities and everything in between.

The BEDC's mission is to inspire, inform, support, and grow new and existing Bermuda businesses through education, guidance, data provision, advocacy, networking, and financing. Since 1981, BEDC has assisted thousands of local Bermuda business owners and entrepreneurs to start, sustain, or grow their businesses, and offers the following services and programmes:

- general business development support and technical advice;
- entrepreneurship workshops;
- intensive multi-week entrepreneurship development courses;
- economic empowerment zones
- vendor markets;
- vending licences;
- Business Mentorship Programme;
- small business construction incubator support;
- Retail Development Programme;
- Loan Guarantee Programme;
- Micro Loan Programme;
- HM Customs Letter of Credit Programme;
- entrepreneurship pitch and networking events;
- international partnerships; and
- Global Entrepreneurship Week/Global Entrepreneurship Congress events.

Mr. Speaker, via its legislation, the Bermuda Economic Development Corporation Act 1980, the Corporation is able to provide financial assistance products up to six times its capital; therefore, it currently can provide a maximum total of \$6 million in loan guarantees and other financial products at any one time.

With this increase of its guarantee capacity through doubling its capital to \$2 million, BEDC will be able to offer a maximum total of \$12 million in guarantees, loans, grants, and other financial products for businesses to access. This opens the opportunity for more Bermudians to consider entrepreneurship, *doing for self* and creating new business and new jobs. The increased capitalisation will commence in the 2018/19 fiscal year and allows BEDC to assist with the delivery on other areas within the Government's 100-day platform, such as the Sports Clubs Guarantee Programme.

Mr. Speaker, increasing BEDC's capitalisation would also assist local businesses by creating an avenue and budget to provide access to capital directly from BEDC through direct loans, as opposed to the only option being through Bermuda's financial institutions. Many local small- and medium-sized businesses need access to small amounts of capital, under \$20,000, which banks, historically, do not provide as they are not very profitable and require the same amount of human resources as larger facilities.

BEDC has seen success in its past direct lending programmes. Both BEDC's Economic Empowerment Zone Loans and Micro Loan Programmes

have assisted nearly 50 entrepreneurs, and this increase in capitalisation will allow past programmes to be improved, re-instated, and expanded.

As this Honourable House is aware, Mr. Speaker, the BEDC currently offers a loan guarantee bank financing product for entrepreneurs to access in order to startup, sustain, or grow their local businesses. While not a bank, the BEDC has the legislative authority to act as a guarantor for portions of bank loans for small and medium-sized businesses that appear viable and where the creditworthiness of the borrower is sound.

As the guarantor of last resort, BEDC's current policy is that it can guarantee up to 50 per cent of an agreed business bank loan amount up to a guarantee maximum of \$200,000 per business. The loan guarantee helps if the business does not have enough collateral required to secure the loan. The guarantee is currently provided only for demand or term loans and not for other bank products such as overdrafts, lines of credit, or credit cards.

As of August 31<sup>st</sup>, 2017, within the 2017/18 fiscal year, BEDC has supported 25 business loan guarantees and guarantee-backed micro loans, helping these entrepreneurs to secure nearly \$4 million in bank loans for their businesses. In addition, currently, BEDC's direct loans to another 15 businesses total nearly \$200,000. Doubling BEDC's capitalisation allows it to assist many, many more Bermudians.

Mr. Speaker, although it is improving since the Island's recession, banks are still slow to lend to local small and medium-sized local businesses if bank loans are not 100 per cent collateralised. The BEDC sees this in reality every day, and then this lack of lending contributes to a lack of growth and job creation for the Island.

In this regard, BEDC believes that increasing its maximum guarantee percentage would assist local businesses. Given the experiences from the recession, the Island's financial institutions, more often than not, will require loans to be 100 per cent secured. Despite businesses' receiving approval from BEDC for its loan guarantee, many businesses are not able to secure bank financing because they do not have the ability to come up with the remaining 50 per cent in collateral to fully secure the loan.

As such, we are currently exploring the viability of increasing BEDC's guarantee percentage beyond 50 per cent, up to 65 per cent, to a maximum guarantee amount of \$200,000 of a bank loan, which would reduce this gap for businesses. This option could be actioned as a policy change not requiring any legislative amendments.

Mr. Speaker, while the Government is providing access to additional finances for Bermudian entrepreneurs, I want the public to know that BEDC also has a robust policy for paying out on any called loans and collecting on any loan guarantees it pays out on. In the event that a borrower is unable to repay the

BEDC guaranteed loan, the loan is called and the BEDC must make a payment to the bank for that borrower. The borrower is then liable to the BEDC for the amount paid to the bank, plus administration fees and any legal expenses that may be incurred by BEDC in recovering the outstanding debt.

Every approved business applicant is required to sign an undertaking, agreeing to pay BEDC back if the corporation pays out a defaulted loan on its behalf. This can also involve the use of debt collection agencies and legal recourse with the courts, as necessary.

In closing, Mr. Speaker, this Government is working to build a fairer and better Bermuda. We are committed to business and job growth, as well as the recovery of our economy. Today's announcement provides another milestone for the Government and the corporation whereby doubling its capital will allow it to provide more financial products to Bermuda's business owners and entrepreneurs.

We are confident that through continuously offering opportunities to our local entrepreneurs, we can help to foster economic growth, create opportunities for new businesses, and facilitate job creation.

Bermuda's economic prosperity is founded on entrepreneurial vision, hard work, and ingenuity. It is our intention to continually develop the BEDC as a stronger, more powerful tool for economic empowerment and to foster cooperative economics.

Thank you, Mr. Speaker.

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

That brings us to an end of the Statements by Ministers.

## REPORTS OF COMMITTEES

**The Speaker:** Reports of Committees. There are none.

## QUESTION PERIOD

**The Speaker:** Question Period. We have two questions that were submitted to Ministers. I believe the first was for a written response [from] the Honourable Minister Walton Brown, [to] the Honourable Pamplin Gordon [*sic*].

Have you received your written . . .

**Hon. Patricia J. Gordon-Pamplin:** That is Patricia Gordon-Pamplin, Mr. Speaker. And, yes, I have received them; thank you.

## WRITTEN ANSWER

### QUESTIONS: WORK PERMITS IN ISSUE ON 18 JULY 2017

1. Will the Honourable Minister please inform this Honourable House of the number of work

*permits that were in issue on July 18, 2017, analysed by duration; specifying [short term](#), between one (1) and two (2) years, between two (2) and three (3) years, between three (3) years and five (5) years and over five (5) years?*

2. Will the Honourable Minister please inform this Honourable House of the [business categories](#) of work permits that were in issue on July 18, 2017; separated by duration?

**The Speaker:** Yes. Thank you.

The next question is an oral question requiring an oral response. That is to the Honourable Premier, a question from the Honourable Member, Mrs. Jeanne Atherden.

Mrs. Atherden, you have the floor.

### QUESTION 1: FULL- AND PART-TIME MINISTERIAL POSITIONS

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

My question to the Honourable Premier: Would the Honourable Premier please inform the Honourable House of all government minister positions and junior ministerial posts, and indicate whether each is a full-time or a part-time position?

**The Speaker:** All right.

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

Regarding question number 1, all information regarding ministerial and junior ministerial positions is already in the public domain.

**Mrs. Jeanne J. Atherden:** Mr. Speaker.

**The Speaker:** Yes, is this a supplementary?

**Mrs. Jeanne J. Atherden:** This is a supplementary.

**The Speaker:** Yes.

## SUPPLEMENTARIES

**Mrs. Jeanne J. Atherden:** I asked for the names of the posts so that there could be clarity as to who was minister or junior minister and which ones were full-time or part-time.

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** And as has been stated, Mr. Speaker, all of that information is in the public domain, as it was asked in another place.

[Inaudible interjections]

**The Speaker:** Supplementary?

**Mrs. Jeanne J. Atherden:** Supplementary, Mr. Speaker.

In other place, the question was not asked with respect to the junior ministerial posts.

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Mr. Speaker, all junior ministerial posts are within the public domain. And there is no question as to full- or part-time because junior ministers do not sit as part of Cabinet. The information is in the public domain.

**The Speaker:** Premier, thank you.

Mrs. Atherden, you have used your two supplementaries. Would you like to move on to your second question, or does anyone else have a supplementary?

No. You are moving on to your second question now.

**Mrs. Jeanne J. Atherden:** I will move on to my second question. I will be able to do my own calculations and deal with that appropriately.

Mr. Speaker . . . no, I do have a supplementary. I do have a supplementary.

With respect to—

*[Inaudible interjections]*

**The Speaker:** No, no, no, no, no, no. That was a supplementary on your first question?

**Mrs. Jeanne J. Atherden:** Yes.

**The Speaker:** You asked your two supplementaries.

**Mrs. Jeanne J. Atherden:** Okay. Then I am moving on to the next one.

**The Speaker:** Thank you.

#### QUESTION 1: TOTAL COST OF MINISTERIAL POSTS FY 2017/18

**Mrs. Jeanne J. Atherden:** Okay. And truly, it is the next one.

Would the Honourable Premier please inform this Honourable House of the total cost of the above-mentioned ministerial and junior ministerial posts for the remainder of the 2017/18 fiscal year, and what the future cost is on an annual basis?

**The Speaker:** Premier.

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

Mr. Speaker, although that information is in the public domain, I will assist the Shadow Minister with her calculations to say that the total cost of the above-mentioned ministerial and junior ministerial posts for the remainder of the 2017/18 fiscal year is \$631,808, which represents the cost for six months.

The second part of this question, according to Standing Order 17(5)[(h)], is a hypothetical question. I am unable to answer, as we do not know what the ministerial pay will be and how many ministers and/or junior ministers will serve in the future, or whether they will be on a part-time or full-time basis. However, I can let the Minister know if there are no changes, we can just double the \$631,000 figure.

**The Speaker:** Any supplementaries?

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

I am pleased that the Premier did not ask me to double it, and you gave me the answer. So I thank you very much.

**The Speaker:** Thank you.

We now move on to the questions regarding Statements that were read out this morning by Ministers. And just to remind you, the 60-minute period started actually when the response to the written questions began.

The first Statement was that of the Premier in regard to his trips overseas. And we have the Opposition Leader, the Honourable Pat Gordon-Pamplin, who has indicated she would have a question.

Honourable Opposition Leader, you have the floor.

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

**The Speaker:** Tongue-twister.

#### QUESTION 1: RECENT NEW YORK AND WASHINGTON, D.C., VISITS

**Hon. Patricia J. Gordon-Pamplin:** I wonder if the Premier would be willing to share with this Honourable House the cost of the trip that he has just described to New York and to Washington, DC.

**Hon. E. David Burt:** I thank the Honourable Opposition Leader for her question. I had anticipated that question would come. We attempted to make sure that all costs were accurately compiled last evening. We were unable to do so. Under Standing Orders, I will take that question as notice and will provide the answer at the next day of meeting.

**The Speaker:** Thank you, Mr. Premier.  
Supplementary?



**Hon. Patricia J. Gordon-Pamplin:** No, I have a second—

**The Speaker:** Supplementary? I recognise the Honourable G. E. Gibbons, from constituency 22.

#### SUPPLEMENTARY

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

I wonder if the Premier could let us know, in terms of the costs of these trips, whether Government intends going forward to make them public. I gather that some of the websites which were done for the previous Government have been taken down at this point. Thanks.

**The Speaker:** Premier.

**Hon. E. David Burt:** Mr. Speaker, Standing Orders state that Members should make sure that they are truthful in their statements. And it seems the Honourable Shadow Minister would like to play fast and loose with the facts. The Honourable Minister for Government Reform made it very clear that the Government travel website is being redone so that it can actually have accurate information, which was a challenge with the former Government. What we will do is that we will continue to publish that information. And as she had indicated in the public domain, that website will be up and running and that information will be published.

However, we have no problem in any way, shape, or form putting forward the costs for our travel, as it is understood. I will just let Members know I was presented . . . as a perfect example, I was presented an option for ground transportation in Washington, DC, and a bill that said it would cost \$1,200. And I said, *No*. And then we decided to take Uber instead. I think that picture [shows] that Government Ministers, much to our chagrin, rode the subway in New York City as opposed to bracing the traffic for the UN General Assembly.

*[Desk thumping]*

**Hon. E. David Burt:** We will be responsible with the people's funds, and we will be transparent in that nature.

**An Hon. Member:** Glory!

**The Speaker:** Premier, thank you.

Any supplementary?

No supplementary.

We recognise the Honourable Member from constituency 19.

#### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** I have a supplementary. And, Mr. Speaker, I do appreciate that the Premier is trying to make sure that the public is informed of all the Government is doing to try and increase the options for us in terms of growing our businesses.

In terms of the leading law firm, Katten Muchin Rosenman LLP, could you clarify what their area of speciality is?

**The Speaker:** Mr. Premier.

**Hon. E. David Burt:** Thank you very much.

The Honourable Shadow Minister of Finance may not be aware, but the Government has had a long relationship with that particular law firm. That particular law firm has worked with Bermuda for a number of years. Their specialty is dealing in the areas of international finance, and they have advised the Government on a number of Acts, most recently, in 2013, our Investment Funds Act. In addition to that, they send a lot of clients to Bermuda, and they are in the perfect place to advise us on what we are doing well, what we are not doing well and how we can do better. Our engagement was a very good meeting. And as with them and with the other persons of which we met, they are excited about the new possibilities, understanding that Bermuda is open for business and there are no conflicts insofar as inward investment inside of this Government, as it is our mission to grow the economic pie for all.

*[Desk thumping]*

**The Speaker:** Thank you, Mr. Premier.

Any supplementaries?

No supplementaries.

The Honourable Opposition Leader, you indicated you had a second question?

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

**The Speaker:** Go ahead.

#### QUESTION 2: RECENT NEW YORK AND WASHINGTON, D.C., VISITS

**Hon. Patricia J. Gordon-Pamplin:** I wonder if the Honourable Premier would be willing to share with this Honourable House what the anticipated cost of reopening and operating the DC office is.

**The Speaker:** Thank you.

Mr. Premier.

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

What I would say is that, under Standing Order 17(5)[(h)] that would stand as a hypothetical ques-

tion, as we are unaware. We are examining the various possibilities, and when we decide on a course of action, we will be happy to come to this Honourable House with a Ministerial Statement to provide all Members of the House, and indeed the public of Bermuda, in what our engagement strategy will be inside of Washington, DC. But as has been seen, and the challenges of which we are facing in the latest news from the new US administration, it is now more critical than ever that we have a consistent voice in the United States to protect our interests. And this Government is committed to doing that.

*[Desk thumping]*

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

No further questions for the Premier on his recent trips Statement?

We will move on to the second Statement. The second Statement is that of the Deputy Premier in regard to the ferry fleet. We have an indication of five Members who would like to ask questions. The first Member who has indicated a question would be that of the Honourable Member from constituency 24.

Member Scott, MP Scott, you have the floor.

#### QUESTION 1: A FLEET STATUS REPORT— DEPARTMENT OF MARINE AND PORTS SERVICES

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Would the Minister agree that the failure of the previous administration to properly and proactively plan for the AC35 has put us in this unfavourable position?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, in answering the Honourable Member's question, based on the fact that funds were not available, [were not] given to the department to fund their work that they were required to do over AC35, and the impact that it has had on the department, I think it is a fair assumption to make.

**The Speaker:** Thank you.

Supplementary? I have a supplementary from the Honourable Member from constituency 22.

Honourable Member Gibbons, you have the floor.

#### SUPPLEMENTARIES

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

Is the Minister aware that there was a Memorandum of Understanding [MOU] between the ACBDA and Marine and Ports with respect to the America's Cup ferry services?

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

**Hon. Walter H. Roban:** Yes.

**The Speaker:** Any supplementaries?

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** Supplementary. Yes. Continue, Mr. Gibbons.

**Hon. Dr. E. Grant Gibbons:** Could the Honourable Member say how much was paid to the Department of Marine and Ports as a consequence of that MOU?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** No.

**The Speaker:** Those are your two supplementaries.  
Any further supplementaries before a new question?

**Mr. Dennis Lister III:** Supplementary.

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** The Member behind you was on his feet first.

Is this a supplementary or a new question?

**Mr. Dennis Lister III:** Supplementary.

**The Speaker:** Supplementary.

We recognise the Honourable Member from constituency 28. The Honourable D. J. Lister has the floor.

#### SUPPLEMENTARY

**Mr. Dennis Lister III:** Thank you, Mr. Speaker.

Can the Minister answer if, due to the inappropriate preparation of AC35 and the lack of financial oversight, there are enough funds left for training staff in the Marine and Ports for those that are needed?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, in answer to the Member's question, training is not an issue, because (1) much of the training is co-ordinated through the Department of Workforce Development; and (2) despite the challenges faced by the Marine and Ports [Department] in its operations, it manages its funds very well when it comes to making sure staff are trained so they can meet their international obligations.

**The Speaker:** Okay. Thank you.  
Supplementary.

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

**The Speaker:** Yes, supplementary, Opposition Leader, the Honourable Member.

### SUPPLEMENTARY

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

If the Honourable Minister, in response to the question asked by the Honourable Member from [constituency] 24—if the Honourable Minister cannot say how much was paid by the ACBDA to the Department of Marine and Ports to offset some of the costs, how can the Honourable Member say that there was a significant shortfall, if he does not know what the revenue side of it is?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, that was not the question from the Member for [constituency] 24. That was the question from the Member for [constituency] 22.

**The Speaker:** Well, would you like to restate your supplementary and address it?

**Hon. Patricia J. Gordon-Pamplin:** Yes, I would like to restate the supplementary. If the Honourable Minister would be willing to share with this Honourable House, if he cannot say how much was paid by the ACBDA to the Department of Marine and Ports, how can he answer the question posed by the Honourable Member Scott from [constituency] 24 that this was poor planning in terms of the amount of the cost relating to the ferry services?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** The facts are the facts, Mr. Speaker. The department asked for money to help us through AC35. The Government did not give them the money. End of story. Sounds like bad planning or bad preparation, to me. And those are the facts.

**The Speaker:** Thank you.  
Supplementary? Supplementary?  
I recognise the Deputy Speaker.  
Deputy Speaker, you have the floor.

### SUPPLEMENTARIES

**Hon. Derrick V. Burgess, Sr.:** Yes.

Mr. Minister, are you aware that approximately 67,500 people were transported during the Ameri-

ca's Cup by the ferries and [paid] \$10 per person for a round trip? Are you aware of that?

**Hon. Walter H. Roban:** Yes.

**The Speaker:** Further supplementary?

**Hon. Derrick V. Burgess, Sr.:** Yes.

Minister, we understand that \$1.7 million was the cost of these ferries. Would you agree there was poor planning by the previous Government to pay \$1.7 million to the America's Cup for the ferries, and only taking in \$675,000?

**The Speaker:** Minister. Minister.

**Hon. Walter H. Roban:** Yes.

**Hon. Derrick V. Burgess, Sr.:** A new question.

**The Speaker:** A new question?

**Hon. Derrick V. Burgess, Sr.:** Yes.

**The Speaker:** Let me see. Any supplementaries first?

**Hon. Derrick V. Burgess, Sr.:** Oh, I am sorry.

**The Speaker:** Supplementary?

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

**The Speaker:** We recognise the Opposition Leader for your supplementary.

### SUPPLEMENTARIES

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

Would the Minister be willing to share with this Honourable House whether every single ferry route and run operates at a profit?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** I cannot answer that question at this time, but I am happy to do the investigation and bring that information back to the House, Mr. Speaker.

**The Speaker:** Thank you. Thank you.  
No supplementaries to that?

**Hon. Patricia J. Gordon-Pamplin:** Yes, I have one more supplementary, Mr. Speaker.

**The Speaker:** Supplementary. I recognise the Opposition Leader.

**Hon. Patricia J. Gordon-Pamplin:** Yes. In light of the number that was put out by the Honourable Member from constituency 5, approximately \$675,000 was being taken in as revenue as a result of the passenger fees coming from these trips. Can the Honourable Member let us know the breakdown with where the deficiencies lie in terms of the cost versus how much actually was taken in as revenue and how much was contributed by the ACBDA with respect to the cost of running the ferries?

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

**Hon. Walter H. Roban:** I undertake to provide that information as best as I can, Mr. Speaker.

**The Speaker:** Thank you.  
Any supplementary before we move on to a new question?  
New question. On the list we have the Honourable Member from constituency 5, the Deputy Speaker, has indicated he would have questions.  
Go ahead, Deputy Speaker.

**QUESTION 1: A FLEET STATUS REPORT—  
DEPARTMENT OF MARINE  
AND PORTS SERVICES**

**Hon. Derrick V. Burgess, Sr.:** Thank you, Mr. Speaker.  
Mr. Speaker, in the Statement, we talk about the deficiencies in the department regarding the hiring freeze and retirement. Mr. Minister, are you aware that, under the 2017 budget as at March 31<sup>st</sup>, actually 4,955 people were budgeted to be employed by government, but only 4,608 were actually hired, meaning a shortfall of 247 people?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Yes.

**The Speaker:** Supplementary? Supplementary?  
New question. The Honourable Member from constituency 6. Mr. Furbert, no?  
The Honourable Member from constituency 1 indicated that she had a question.  
The Honourable Member, Mrs. Ming, from constituency 1, you have the floor.

**QUESTION 1: A FLEET STATUS REPORT—  
DEPARTMENT OF MARINE  
AND PORTS SERVICES**

**Mrs. Renee Ming:** Thank you, Mr. Speaker.  
In light of the fact that the Statement reads that \$7,933,728 was spent on the *Millennium* ferry for the last four years, I just want to know, prior to Ju-

ly 18<sup>th</sup>, 2017, what was the plan for the old town of St. George's when this ferry contract expired this year, and if there even was a plan?

Thank you, Mr. Speaker.

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Very good question, Mr. Speaker.

I cannot speak to what the plans [were] that the Government made in these matters prior to July 18<sup>th</sup>. But having examined the situation, I see no evidence of any plans that were left for us to review after July 18<sup>th</sup> for St. George's around replacement of the *Millennium* ferry.

**The Speaker:** Thank you.  
Supplementary?  
No supplementary.  
The next Member who had indicated he had questions for this Statement would be the Member from constituency 4, Mrs. Furbert.  
Mrs. Furbert, you have the floor.

**QUESTION 1: A FLEET STATUS REPORT—  
DEPARTMENT OF MARINE  
AND PORTS SERVICES**

**Mrs. Tinee Furbert:** Thank you, Mr. Speaker.  
Mr. Speaker, could the Honourable Minister answer, would the cost of the catch-up repairs [have] been less if the ferry fleet maintenance would have been carried out earlier by the previous administration?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Your indulgence, Mr. Speaker. Could the Honourable Member just repeat her question so I can hear it clearly?

**The Speaker:** Sure.

**Hon. Walter H. Roban:** Thanks.

**The Speaker:** Honourable Member, could you please repeat the question for the Minister?

**Mrs. Tinee Furbert:** Sure, Mr. Speaker.  
Could the Honourable Minister answer, would the cost of the catch-up repairs have been less if the ferry fleet maintenance would have been carried out earlier by the previous administration?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Very good question, Mr. Speaker.

Presumably, if you follow a maintenance plan properly, it avoids costs and liabilities later. Having not followed that, it obviously has affected the cost and time and energy that have to be put into maintenance now.

**The Speaker:** Any supplementaries?

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** Supplementary. We recognise the Honourable Opposition Leader. You have the floor.

### SUPPLEMENTARY

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

I wonder if the Minister, since he seems definitive in his response, would be able to tell this Honourable House what the differential might have been if there had been a different glide path with respect to making maintenance service agreements and work being done when there was no money?

**The Speaker:** One second. One second before you get up.

Let me remind the House that we should try and stay away from hypothetical questions here. The questions . . . if you follow the Standing Orders on the instructions for how questions should be put, try not to be hypothetical. And that was basically a hypothetical, *what it might have been*.

**Hon. Patricia J. Gordon-Pamplin:** I accept your ruling, Mr. Speaker.

**The Speaker:** Yes.

**Hon. Patricia J. Gordon-Pamplin:** But I believe that my question, being primed off of the previous speaker, then if there was hypothetical, then, obviously, the speaker prior would have been guilty of a hypothetical question.

**The Speaker:** Point taken.

Do you have any further supplementary?

No further supplementary.

The other Member who indicated she had a question on this Statement was, in fact, the Opposition Leader.

Did you ask your question yet? I know you are on supplementaries. You have not asked your question yet?

*[Inaudible interjection]*

**The Speaker:** Okay, you are fine. Good.

The Opposition Leader, you have a question for the Minister on this Statement?

### QUESTION 1: A FLEET STATUS REPORT— DEPARTMENT OF MARINE AND PORTS SERVICES

**Hon. Patricia J. Gordon-Pamplin:** Yes, I do have a question, because my question relates to the Minister's Statement on page 4, respecting the costs. And my question to the Minister is, does the Minister appreciate that it takes money to do major repairs and that, if such money is not available, such repairs are not able to be done?

**The Speaker:** Minister. Yes.

**Hon. Walter H. Roban:** Mr. Speaker, I have not answered that question. Of course. But not doing the maintenance and not having the money for them impacts the quality of the service, of which, clearly, the previous Government was responsible for.

**The Speaker:** Okay.

Any supplementary on that?

Supplementary? We recognise the Honourable Member from constituency 24.

Mr. Scott, you have the floor, Honourable Member.

### SUPPLEMENTARIES

**Mr. W. Lawrence Scott:** Would the Minister agree that, talking about lack of money, if the previous administration had put money in the right places—i.e., maintenance for the public ferries instead of maybe into AC35—we would not be in this predicament?

**The Speaker:** Do not stretch it a bit there. We are trying not to be hypothetical.

**Hon. Walter H. Roban:** Mr. Speaker, I cannot, again, predict the decisions of the previous administration as to what might have been.

**The Speaker:** Understood, Minister.

**Hon. Walter H. Roban:** But, clearly, we have been left with a situation, and this is the negativity we are having some challenges with.

**The Speaker:** I was trying to save you from getting to your feet on that one.

**Hon. Walter H. Roban:** Simple.

**The Speaker:** But, Minister, fine. Supplementary?

**Hon. Patricia J. Gordon-Pamplin:** I have one more supplementary.

And that is the fact that . . . is the Minister prepared to accept the fact that there was no money left when they left office in order to be able to accommodate such planned maintenances?

*[Inaudible interjections]*

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, I think I am only required to answer questions related to my Statement. And so, that is the only question I have to answer—this speaks around that, Mr. Speaker.

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

All Members who had indicated that they had questions of the Minister for that particular Statement have taken advantage of their questions.

We are going to move on now to the third Statement, and that third Statement was also from the Minister Roban in reference to the bus fleet.

We have five Members who have indicated they have questions, and first being the Honourable Member from constituency 24.

The Honourable Member, Mr. Scott, you have the floor.

#### QUESTION 1: THE STATE OF PUBLIC TRANSPORTATION—BUSES

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Would the Minister agree with my interpretation that the previous Government was allowing the public transportation to fall into disrepair so that it would be a prime candidate for privatisation?

*[Inaudible interjections]*

**The Speaker:** We are going to ask the questions, trying to be more pointed to what the Statement is so there is a clear response.

**Hon. Walter H. Roban:** Mr. Speaker, I will avoid the hypothetical, other than to make it clear that we did inherit a service in disrepair. We did inherit a service where most of the fleet actually is broken. And we are now doing our best to fix it.

**The Speaker:** Thank you.

Supplementary?

No supplementary.

The next Member who indicated he had a question for the Minister is the Opposition Leader.

We recognise the Opposition Leader.

#### QUESTION 1: THE STATE OF PUBLIC TRANSPORTATION—BUSES

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

Mr. Speaker, I wonder if the Minister would share with this Honourable House, how are the drivers being redeployed in light of the Minister's indication that the drivers have no buses to drive?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** I do not believe that is actually a topic that was discussed in my Statement. But at this point, our drivers are very cooperative, and they are working and cooperating with the team in DPT [Department of Public Transportation] to deal with the situation that they are confronted with on a daily basis. That is all I have to say on that.

**The Speaker:** Supplementary?

Supplementary or new question?

#### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** It is a supplementary. The Honourable Member did not really answer the question. The question was, if the buses are depleted, there are drivers who are scheduled, I am just wondering how those drivers are being redeployed while they are lacking buses to drive?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** The management and the team at DPT are working with what they have. And all our drivers are working. They are operating the buses that are available to ensure that what service can be provided is provided.

**The Speaker:** Thank you.

Supplementary?

No supplementary.

The next Member who had indicated he had a question would be the Honourable Member from constituency 22.

Honourable Member Gibbons, you have the floor.

#### QUESTION 1: THE STATE OF PUBLIC TRANSPORTATION—BUSES

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

Mr. Speaker, it was a matter of record, certainly for the former Government, that the bus schedule contributed towards the issue of maintenance and cost. Will the Minister be going forward to revise the bus schedule, something which has been in the works for some, I think, almost 15 years now, to essentially

improve the effectiveness and deployment of the buses, which should reduce both cost of maintenance and also reduce the cost of the service?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** The schedule was not a subject in my Statement, Mr. Speaker. But I will give an answer to it.

We are doing all that we can to make sure that the system will run effectively and efficiently to improve the service for all of our clients and the public at large.

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

Supplementary?

The Honourable Member from constituency 22.

#### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Yes, supplementary. Thank you, Mr. Speaker.

So is the Minister saying that they will not be proceeding with a revised schedule for the buses?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** No.

**The Speaker:** Supplementary?

**Hon. Dr. E. Grant Gibbons:** No, Mr. Speaker. It is another question.

**The Speaker:** New question?

**Hon. Dr. E. Grant Gibbons:** Yes, exactly.

**Hon. Patricia J. Gordon-Pamplin:** Supplementary. I have a supplementary on the other question.

**The Speaker:** Well, we have a supplementary.

**Hon. Dr. E. Grant Gibbons:** Yes.

**The Speaker:** The Opposition Leader, you have a supplementary?

#### SUPPLEMENTARY

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

The Honourable Minister indicated that the schedule was not a part of his Statement. However, maintenance is the subject of his Statement. And if the Honourable Minister would be able to tell this Honourable House, since he has now indicated that

he has no intention to move forward with a new schedule—

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** I am sorry; maybe I misunderstood.

**Hon. Walter H. Roban:** Point of order, Mr. Speaker.

**The Speaker:** Point of order, Minister?

#### POINT OF ORDER

*[Misleading]*

**Hon. Walter H. Roban:** The Honourable Member is misleading the House. I said no such thing. And the record will show that. The Honourable Member is purposely, *purposely*—

**Hon. Patricia J. Gordon-Pamplin:** I am not purposely!

**Hon. Walter H. Roban:** —misleading the House on what I said.

**The Speaker:** Well, we will not imply personal motives if we are not certain of it.

**Hon. Patricia J. Gordon-Pamplin:** No, I may have—

**The Speaker:** Member.

**Hon. Patricia J. Gordon-Pamplin:** Sorry.

**The Speaker:** Just restate your question more in line with what was actually stated by the Minister.

**An Hon. Member:** Will he or will he not have a new schedule?

**Hon. Patricia J. Gordon-Pamplin:** Okay. Will the department of bus operators, given that maintenance is the subject of his Statement, and it is agreed that buses can be maintained if a proper schedule is implemented to allow freedom for a bus to go in for maintenance, is there an intention or not to implement a schedule which accommodates allowing buses to be free to go in for maintenance?

That was the question.

And I do apologise, because it certainly was not my intention to mislead this Honourable House, Mr. Speaker.

**The Speaker:** No problem, Member.  
Minister.

**Hon. Walter H. Roban:** Mr. Speaker, everything is being done by DPT to make any adjustments neces-

sary to ensure that we can keep the buses running, have proper repairs, so we can ensure the best and most efficient service to all of our clients.

*[Inaudible interjection]*

**The Speaker:** Thank you.  
Yours is a new question, right?

**Hon. Dr. E. Grant Gibbons:** New question, Mr. Speaker.

**The Speaker:** Okay, your second question. Go ahead, Honourable Member from constituency 22.

#### QUESTION 2: THE STATE OF PUBLIC TRANSPORTATION—BUSES

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker, second question.

The former Government indicated that for the purchase of new buses it would look at hybrid or electric buses. For the eight new buses, which I think are being proposed, is the Minister looking at hybrid or renewable energy-sourced buses?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, I myself would not have a role with designing an RFP for the new buses. But I can tell you that we are leaving all of our options open to any possible opportunities that can further advance the fleet in a positive way, whether it be with hybrid, whether it be with other types of technology. But we are just more interested in just having buses that can operate, right now.

**The Speaker:** Thank you.  
Supplementary?  
No supplementary. The next Member who indicated that he had a question in regard to this Statement would be the Member from constituency 6.  
The Honourable Member, Mr. Furbert, you have the floor.

#### QUESTION 1: THE STATE OF PUBLIC TRANSPORTATION—BUSES

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.  
Mr. Speaker, would the Honourable Minister agree that the former Government was negligent in not giving sufficient funds in the 2017/18 budget to keep the buses maintenance-clear?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, I cannot speak to the mind of the former Government in its choices. They clearly had spending priorities. But certainly, the

choices made have not positively impacted on the service as we have it now.

**The Speaker:** Thank you.  
Supplementary?  
No supplementary. The next Member who has indicated that he had a question would be the Member from constituency 19. Honourable Member Atherden, you have the floor.

#### QUESTION 1: THE STATE OF PUBLIC TRANSPORTATION—BUSES

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.  
Minister, recognising in your Statement that there was an indication that the OPMP [Office of Project Management and Procurement] had a request for tender for eight buses, recognising that the Budget Book says that \$2.5 million has been allocated for this fiscal year 2017/18, would the Minister be able to clarify whether any of that 2017/18 money has been spent?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, well, that is money that was approved under a previous budget, and we have not constructed our own budget yet. But I can say that this is the money that was allocated for buses. We are receiving the four buses. Presumably, that is money that was allocated to pay for the four buses that are already here. We are preparing an RFP to go forward. And what we spend going forward will be determined by the conclusions of that RFP. I can only say that I believe that \$2.5 million has to do with the four buses that we are receiving at the end of this year.

**The Speaker:** Okay. Thank you, Minister.  
Any supplementary?

**Mrs. Jeanne J. Atherden:** Yes, I have a supplementary.

**The Speaker:** Supplementary. Yes.

#### SUPPLEMENTARIES

**Mrs. Jeanne J. Atherden:** Could the Minister indicate how much a bus costs? The reason I say that is because the previous . . . there was \$750,000 put in for buses. And if we got buses before and we spent \$750,000 and we have \$2.5 million available, I would just like to know how much a bus costs?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** I believe, Mr. Speaker, to land a bus that is based on the type of buses we have now,



that we are currently in, is somewhere between \$350,000 and \$400,000 to land a bus. That means the payment for it and customs and everything that it costs, shipping to get it on the land that is Bermuda.

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

**Mrs. Jeanne J. Atherden:** Supplementary.

**The Speaker:** Yes.

**Mrs. Jeanne J. Atherden:** Just to clarify, if my accounting is correct, if \$2.5 million is in the budget, and if I take the lower end of the scale, \$350,000 would give us at least seven buses. And \$400,000 would give us six. So the eight that are in the Statement should mean that there is not going to be any big supplementary, because \$2.5 million is already in the budget.

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

**Hon. Walter H. Roban:** I cannot speak to what the budget plans are going to be, going forward, Mr. Speaker. And perhaps we can wait until the budget to see what we do, and I can . . . around our future purchase of buses. But we have an RFP, as I said in my Statement, that we are in the midst of repairing and finalising. And that will give us a better picture of how much we are going to spend on the next group of buses, going forward.

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

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

**The Speaker:** Supplementary, the Opposition Leader.

#### SUPPLEMENTARY

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

Is the Honourable Member saying to this Honourable House that there is no intention of getting new buses until after the 2018/19 budget? Or are you planning on spending money between now and March 31, to spend some of the money that has already been budgeted? I am just trying to understand what you are saying.

**The Speaker:** Minister.

**Hon. Walter H. Roban:** That money in the budget is a capital allocation. So presumably, we will not use it for anything but what it has been allocated for. We have

four buses coming, [and they] will be here by the end of the year. And we are preparing an RFP so that we can finalise the purchase of another group of buses. How that will affect the spending of what is in the budget I cannot report at this time. But I am prepared to give information about that once we know what we are going to do with it, that which is left over from the \$2.5 million. I'm happy to bring the information to the House, Mr. Speaker.

**The Speaker:** Thank you.  
Any supplementary?

**Hon. Dr. E. Grant Gibbons:** Yes, supplementary.

**The Speaker:** Supplementary from the Honourable Member from constituency 22. Dr. Grant Gibbons, you have the floor, Honourable Member.

#### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** The question I think that the Minister needs to answer is, is the spending for the new buses going to be in this budget year, 2017/18, or in the next budget year?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** I beg your indulgence. Can the Honourable Member repeat his question for me, please?

**The Speaker:** Honourable Member.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker; certainly.

The question that I think we are trying to get an answer from the Minister is, will the money for the eight buses be spent as a capital expenditure in this budget year, which is the 2017/18 budget year, for which \$2.5 million (I think) has been allocated already? Or will it be in the next budget year?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, all I can report is that we have the four buses that are coming. And we are focused on spending that and preparing to . . . the RFP for the eight buses, going forward. How we are going to use the rest of the \$2.5 million I am happy to report back to the House at a later time, if there is any left over after that is done.

**The Speaker:** Supplementary? Okay. We will move on to your next question. The Honourable Member from constituency 19, Mrs. Atherden, you have the floor.

**QUESTION 2: THE STATE OF PUBLIC  
TRANSPORTATION—BUSES**

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, if I could ask the Honourable Minister, recognising that part and parcel of this maintenance issue are some of the flaws that have been identified, and recognising that an RFP is being proposed, I guess I would ask the Honourable Minister as to whether some of these flaws, which one would think should have been anticipated, as to what involvement is there in terms of individuals who drive the buses or individuals who maintain the buses? Because things like the fact that we have summer . . . and I just wonder whether there has been wide consultation with respect to the RFP items.

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, unfortunately, the question is quite convoluted. But I will say this: We are working with every person in DPT to deal with the issues that we have been left with. And our goal is to deal with them and move forward with a successful and efficient service.

**The Speaker:** Supplementary?

**Mrs. Jeanne J. Atherden:** Supplementary.

**The Speaker:** Yes. Continue, Member.

**SUPPLEMENTARY**

**Mrs. Jeanne J. Atherden:** Recognising that the Statement indicates that there are some buses here that are 20 years old, which meant that we had a good model of buses that we were able to keep on and on forever and we have changed to some new buses which are now creating problems as it relates to heating, as it relates to the outside . . . I just wondered, on what basis are we changing from what I call tried-and-true models to new models which have not been as efficient?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Unfortunately, still a little convoluted, Mr. Speaker. But all I can say is that we are doing everything we can to ensure that we have an efficient, successful bus service system that provides quality service to our clients.

**The Speaker:** All right.

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** Supplementary. We recognise the Honourable Member from constituency 22.

**SUPPLEMENTARY**

**Hon. Dr. E. Grant Gibbons:** Yes. I think the question we were trying to get out of the Minister, and the previous Member asked, was . . . it would appear that the former Progressive Labour Party Government bought some lemon buses, which the previous OBA Government had to deal with. Is the Minister going to avoid those mistakes, going forward?

*[Inaudible interjections]*

**The Speaker:** Minister, any comments? Or no comment, Minister?

**Hon. Walter H. Roban:** None.

**The Speaker:** Thank you.

We have one other Member who had indicated he had a question under this Statement. And that would be the Honourable Member from constituency 28. Do you still have a question?

We recognise the Honourable Member from constituency 28, Mr. D. Lister.

You have the floor.

**QUESTION 1: THE STATE OF PUBLIC  
TRANSPORTATION—BUSES**

**Mr. Dennis Lister III:** Mr. Speaker, can the Minister answer [whether or not] the previous Government let the fleet of public buses fall into such a state of disrepair that over 60 per cent of the fleet is either out of order or unreliable?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, I cannot speak, again, to the mind of the previous Government. But the reality is that the majority of the fleet is in serious disrepair. And that is the situation this Government has been left with. But we are committed to changing it, in the positive.

**The Speaker:** Thank you.  
Any supplementaries?

**Mr. Dennis Lister III:** Supplementary.

**The Speaker:** Supplementary.

**SUPPLEMENTARY**

**Mr. Dennis Lister III:** Yes.

To the Minister: Is it fair to say that if funds that were allocated to AC35 were allocated to the DPT, that buses and maintenance issues would have been alleviated enough to the extent—

**The Speaker:** Try and keep on point.

**Mr. Dennis Lister III:** —that they are now?

**The Speaker:** Try and be on point rather than hypothetical.

**An Hon. Member:** Hypothetical.

**Hon. Walter H. Roban:** Very hypothetical. I cannot speak to the mind of the previous administration. But I can say once again this is the situation we are left with, with a fleet [in disrepair], which we are committed to changing and repairing and getting back in good service.

**The Speaker:** Thank you.

I saw another Member who was going to rise on a supplementary. Supplementary?

**Mrs. Jeanne J. Atherden:** Yes, Mr. Speaker.

**The Speaker:** I recognise the Member from constituency 19.

Mrs. Atherden, you have the floor.

#### SUPPLEMENTARIES

**Mrs. Jeanne J. Atherden:** Could the Minister indicate that, in terms of those buses which were subject to all of this maintenance, the disposition between those of what I call the old buses and the new buses, especially if there is an indication that there are some design flaws in the new buses?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, my Statement speaks to what we are doing to deal with design flaws. I think it was very clear.

**The Speaker:** Thank you.

**Hon. Walter H. Roban:** Our team at DPT themselves have found solutions. And I am very satisfied with that.

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

**Mrs. Jeanne J. Atherden:** Supplementary, Mr. Speaker.

**The Speaker:** Supplementary. Continue.

**Mrs. Jeanne J. Atherden:** Mr. Speaker, my question is in terms of the buses which are subject to the maintenance. What is the percentage of buses which are what I call the old buses which are requiring the

maintenance versus the new buses which are requiring the maintenance?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** Mr. Speaker, all buses require maintenance. So, there is no differential.

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

**Hon. Patricia J. Gordon-Pamplin:** Yes, I have a supplementary, Mr. Speaker.

**The Speaker:** Supplementary from the Honourable Opposition Leader.

You have the floor.

#### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** Yes. Can the Minister advise, of the buses that are out of service, how many of those buses were purchased prior to 2012 and how many of those buses were purchased subsequent to 2012?

**Hon. Walter H. Roban:** I will undertake to get that answer to the House, Mr. Speaker.

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

There are no other Members who have indicated they have questions for that Statement.

So we are going to move on to the next Statement, that from Minister Brown. And we have had two Members who have indicated that they had questions, the first being the Honourable Member Cole Simons, from constituency 8.

Member Simons, you have the floor, Honourable Member.

#### QUESTION 1: AN EXPLANATION OF THE RECENT FISH DIE-OFF

**Mr. N. H. Cole Simons:** Thank you, Mr. Speaker.

Given the rise in water temperature and the prevalence of parasites and bacteria, I think this will apply primarily to our inshore waters. Do you anticipate any health risks for those fishing in our inshore waters?

**The Speaker:** Minister.

**Hon. Walton Brown:** Thank you, Mr. Speaker, and I appreciate the question.

Obviously, it is a matter of concern, and so, the technical officers are keeping a watch on the issue. And we have not noticed any increase in incidents of diseased fish. We have reports on an ongoing basis from fisherman, as well as members in the

Department of Marine Resources . . . the Department of the Environment. So, we have not received any data that would support that query.

**The Speaker:** Thank you, Minister.  
Any supplementary?

**Hon. Patricia J. Gordon-Pamplin:** Yes, I have a supplementary, Mr. Speaker.

**The Speaker:** We recognise the Opposition Leader.  
You have the floor.

### SUPPLEMENTARY

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

I wonder if the Minister would be able to advise whether any of the dead fish residue, as I can put it, had washed up and caused the closing of Tobacco Bay, or whether that was a different issue?

**The Speaker:** Minister.

**Hon. Walton Brown:** Thank you, Opposition Leader.

**The Speaker:** Minister.

**Hon. Walton Brown:** That was a different issue outside of my brief. But I am happy to say that it was a consequence of the impact of the hurricane stirring the waters and pushing back to our shores debris that otherwise should not have been there.

**The Speaker:** Supplementary?  
Yes.

### SUPPLEMENTARIES

**Mr. N. H. Cole Simons:** Minister, given this is an almost annual occurrence, does the Ministry of Health have any protocols that can be used to ensure that the fish caught in our inshore waters through sampling are safe for consumption, given that this is not a one-off occurrence?

**The Speaker:** Minister.

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

Obviously, the Member must know I cannot speak for the Minister of Health. What I will say is that we rely on the excellent service and work undertaken by the commercial fishermen who catch the fish and sell the fish. They are highly unlikely to have any fish made available for public consumption that is not fit and proper. So, in response to your question, it is highly unlikely that any fish unfit for consumption will make it into the public arena.

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

**Mr. N. H. Cole Simons:** Yes. He spoke to the commercial fishermen. I am speaking of inshore fisheries, where the average Joe, the weekend fisherman, might go out and go fishing. They, obviously, do not have the responsibility for reporting their catch like the commercial fishermen. So if I, as a weekend warrior, go out fishing, can I be sure that the fish that I catch are safe for consumption? And that is what I am talking about, your average man, not your commercial fisherman.

**The Speaker:** Minister.

**Hon. Walton Brown:** Thank you for the question.

I cannot give any guarantees on any matter that the non-commercial fishermen might encounter. Obviously, one has to be aware of what one catches, properly assess it and then make a decision about what to do with it.

**The Speaker:** A supplementary or a new question? A supplementary?

**Mr. Dennis Lister III:** Supplementary.

**The Speaker:** Yes. The Honourable Member from constituency 28. D. Lister, you have the floor.

### SUPPLEMENTARY

**Mr. Dennis Lister III:** The previous Member just asked a question with regard to an annual occurrence. Is there anything that you have seen that the previous administration did to address this, being this is a previous annual occurrence and we have only just come into this under our regime?

**The Speaker:** Minister.

**Hon. Walton Brown:** Thank you, Honourable Member.

*[Inaudible interjections]*

**Hon. Walton Brown:** The issue of global warming is one that has been ongoing since we decided to mess with the environment. And, yes, in a moment of elation I might want to hold the OBA responsible for global warming; I will not do it today, Mr. Speaker.

*[Laughter]*

**Hon. Walton Brown:** But what I will say is that we need to be mindful of how the environment is changing as a result of our interference and our lackadaisi-

cal attitude toward a number of issues with respect to economic development.

**The Speaker:** Thank you.

Supplementary?

I recognise . . . supplementary? He is withholding his supplementary. Okay. I recognise the Honourable Member from constituency 22. Honourable Member Gibbons, you have the floor.

### SUPPLEMENTARY

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

The Honourable Member mentions the single-cell parasite called *Brooklynella*, in his Statement. Is the Honourable Member aware of whether this pathogen affects humans? And would he be aware as to whether raw fish might present a problem if ingested? A lot of people do eat sushi, sashimi, these days. So is there any possibility of cross infection with *Brooklynella* in humans?

**The Speaker:** Minister.

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

I would say that is highly unlikely. First of all, the sushi-grade fish that we get very rarely comes from our waters, in the first instance. Secondly, the *Brooklynella* penetrates the gills of fish. It is not in any other organ of the fish; it is only in the gills. And because there is no comparable organ in the human, it is unlikely to have any impact if we made contact with it. And also, the fishermen and others, the scientists who come into contact, always use gloves. So it is unlikely there would be any impact in that regard.

**The Speaker:** Thank you.

The other Member who had indicated he had a question has waived his question.

We are now going to move on to the next Statement. And that Statement is from the Honourable Minister of Education. It is the Statement in reference to funding for the college students.

First, do we have the three Members who have indicated that they had questions?

The first Member is the Member from constituency 24, the Honourable Member, Mr. Scott.

Lawrence Scott, you have the floor.

### QUESTION 1: FINANCIAL SUPPORT FOR BERMUDA COLLEGE STUDENTS

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

On pages 2 and 3, the Minister highlighted the positive impacts on enrolment this programme has had. How has enrolment at the college been affected by the previous administration's cuts to the financial assistance?

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, enrolment at the Bermuda College had decreased from a total of 1,207 students in 2012 to 675 students last year. And it can be attributed to the direct effect of the previous Government's cutting the subsidy to students from 50 per cent, first to 25 per cent and then to 0.0 per cent.

**The Speaker:** Thank you.

Supplementary. I recognise the Opposition Leader. Opposition Leader, you have the floor.

### SUPPLEMENTARY

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

The Minister indicated in his Statement that there was \$300,000 that had been budgeted for student assistance for tuition and that \$102,000 (I believe) was left after the latest take-up. So would the Minister explain to this Honourable House whether the \$300,000, given that it has not all been taken up, was adequate in terms of funding and financing for this current year?

**The Speaker:** It is almost a new question, but, Minister. . . we are in supplementaries, but go ahead.

Go ahead, Minister.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker, and thank you for that question.

**The Speaker:** Good question. But go ahead.

**Hon. Diallo V. S. Rabain:** That supplemental.

As I indicated within the Statement, we granted the Bermuda College the \$300,000 as the grant they advertised for students, and 197 students applied. Out of those 197 students, 183 qualified. So, the fact that we have money left over means that it was suitable enough for what the Bermuda College needed for the number of students who did apply.

**The Speaker:** Thank you.

The next Member who had indicated he had a question was the Honourable Member, Mr. Simons, from constituency 8.

Honourable Member.

### QUESTION 1: FINANCIAL SUPPORT FOR BERMUDA COLLEGE STUDENTS

**Mr. N. H. Cole Simons:** Mr. Speaker, they spoke to various criteria required to be successful in achieving the scholarships. The first question that I have is this: Was funding ever entertained for the master's programme? I see you have it for the bachelor's pro-

gramme. But, you know, we need to provide support at all levels at Bermuda College.

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, there was no restriction on any student who could apply for the funding.

**The Speaker:** Thank you.

Supplementary? Supplementary or new question? Supplementary?

Continue, Member.

### SUPPLEMENTARIES

**Mr. N. H. Cole Simons:** Supplementary. And this goes back to criteria.

The other question is, they say that the applicant must have a minimum grade [point average] of 2.1 or higher.

*[Inaudible interjections]*

**The Speaker:** Do not tone out the Speaker, please. We have got one person speaking. We will need to hear him throughout the House; thank you.

**Mr. N. H. Cole Simons:** Do you think it is time, Mr. Minister, that we really consider raising the minimum grade [point average] to 2.5 or 3.0 so that we can have our young people aspire to better performances instead of just hanging everything onto a 2.0 or higher?

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, I do want to make sure that colleagues are aware that it is the highly skilled and highly educated people that we hire at the Bermuda College that make that determination, not the politicians who sit in this room.

**An Hon. Member:** Ahh!

*[Desk thumping]*

**The Speaker:** Supplementary or new question?

**Mr. N. H. Cole Simons:** Thank you, Mr. Speaker.

**The Speaker:** New question or supplementary?

**Mr. N. H. Cole Simons:** Supplementary.

Mr. Speaker, I have heard the Minister's comment. But we are policymakers. And if we want to set the standard for better performance in schools, then surely, Mr. Speaker, do we have—

*[Inaudible interjections]*

**The Speaker:** *Shhh!* He is getting there. He is getting there. He is getting there.

**Mr. N. H. Cole Simons:** —as policymakers the authority to recommend that the minimum criteria be raised from 2.0 to 2.5, as policymakers?

**The Speaker:** Thank you.

Minister.

**Hon. Diallo V. S. Rabain:** The simple answer to that question, Mr. Speaker, is yes.

**The Speaker:** Thank you.

Any further questions?

**Mr. N. H. Cole Simons:** Second question.

**The Speaker:** Yes. Continue, Member.

### QUESTION 2: FINANCIAL SUPPORT FOR BERMUDA COLLEGE STUDENTS

**Mr. N. H. Cole Simons:** Would the Minister explain or confirm whether, if a family made \$102,024, would they be eligible for scholarship?

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, clearly outlined in the Statement was the financial requirement applied. So, if there is someone who does make the amount that the Minister spoke to, and they filled in their financial status report, and they did quality, they will receive funding.

**The Speaker:** Thank you.

Supplementary?

There are no supplementaries.

Third question.

**Mr. N. H. Cole Simons:** This is a supplementary.

**The Speaker:** Supplementary.

### SUPPLEMENTARY

**Mr. N. H. Cole Simons:** So, simply put, if a family made \$103,000, would they qualify for subsidy for education? It is a simple question.

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, I already answered that question.

**The Speaker:** Fine, Minister.

New question?  
Supplementary?

**Hon. Dr. E. Grant Gibbons:** Supplementary, Mr. Speaker, yes.

**The Speaker:** Supplementary. We recognise the Honourable Member from constituency 22.  
Honourable Member Gibbons.

### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Mr. Speaker, I am looking at enrolment going back to 2004 for both full-time and part-time at Bermuda College. Is the Honourable Member aware that in that period, 2004/05, up until about 2010/11, there was a continual decline in enrolment at Bermuda College?

**The Speaker:** Does that necessarily relate to the question that was asked right now? I think you are taking it outside the scope of his question.

*[Inaudible interjections]*

**The Speaker:** Okay.

The other Member who indicated he had a question for this Minister on this Statement was the Honourable Member from constituency 28.

Do you still have a question? We recognise the Honourable Member D. Lister, from constituency 28. You have the floor.

### QUESTION 1: FINANCIAL SUPPORT FOR BERMUDA COLLEGE STUDENTS

**Mr. Dennis Lister III:** Mr. Speaker, can the Minister answer that what the Ministry has done is find ways to reallocate funds to invest and educate our children and give opportunities for higher learning and training?

**Hon. Diallo V. S. Rabain:** The simple answer to that, Mr. Speaker, is yes. And this Government will continue to find more ways to provide our people with funding so they can continue their education and improve their training, improve their stead in this Island of Bermuda.

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

We recognise the Honourable Member from constituency 19. Mrs. Atherden, you have the floor.

### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** Mr. Speaker, if the Honourable Minister can clarify, we keep talking about . . . I think the word is talking about improving their educa-

tion and training. My concern is that everything I have seen here in terms of the courses and what is available focuses very strongly on academics, people getting courses. We have known, because of when we were on the doorstep we had people talking about going to the college, taking these courses and not being able to get any jobs.

And I am just wondering whether any opportunity has been availed of reaching out to businesses to say that, in conjunction with getting someone at the college, offering them the opportunity of having, if you will, a free (if you will) person to come and use their skills in their employment—

**The Speaker:** You're stretching. You are getting long, now.

**Mrs. Jeanne J. Atherden:**—whether any opportunities for training have been incorporated into the programmes, so that when persons go to the college and get their training, they get some practical aspects?

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Mr. Speaker, under the previous Government a department was established called the Department of Workforce Development. Unfortunately, that department was not given the mandate possible to make things as easy for our people to find employment. Instead, we spent four years waiting for a National Training Plan that just did not exist and did not happen.

So, this Government will ensure that opportunities are afforded to our people based on the training that they receive.

*[Desk thumping]*

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

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

**The Speaker:** Supplementary?  
We recognise the Opposition Leader.  
Opposition Leader, you have the floor.

### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** Yes. Would the Honourable Member accept the fact that for the 14 years of the prior administration, there was no National [Training] Plan?

*[Inaudible interjections and laughter]*

**The Speaker:** Honourable Minister, response?

*[Inaudible interjections]*

**The Speaker:** Ah, if you are going to speak, rise to the floor! Rise to the floor if you want to speak.

Honourable Member, you have a supplementary? Yes, the Member from constituency 19.

### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** Will the Honourable Minister acknowledge if he knew that the previous Government had a plan? It is called "Dare2Be," where monies were allocated so people could get training and then go out and have some practical experience. You seem to indicate that you were not aware of this.

*[Timer beeps]*

**The Speaker:** Members, that is time. We are now moving on.

### CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** I recognise the Honourable Member from constituency 14.

Honourable Minister Caines, you have the floor.

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

I would like to offer congratulations to Senior Airport Fire Officer, Mr. Gary Renaud. He joined the Bermuda Hamilton Fire Service as a volunteer in October 1970. In 1973, he joined the City of Hamilton Fire Service as a full-time member of staff. In 1981, he left the Bermuda Fire Service to pursue a business opportunity, but he returned in 1983. In 1990, he became the Chief Fire Officer for St. George's, and in 2000 became Chief Fire Officer for the Bermuda International Airport Fire Service. In 2007, [he] amalgamated with the Bermuda Fire Service and Rescue Service as the Divisional Officer and the Senior Airport Fire Officer. On September 30<sup>th</sup>, 2017, he retired from active service after a total of 45 years serving firefighting in Bermuda. But that said, he would never retire in his heart and [had] appreciation for having served his Island home. My colleagues have indicated they would like to be associated with those remarks.

Mr. Speaker, last night the Bermuda Regiment returned from a two-week deployment in the Turks and Caicos Islands. I would like a letter of congratulations to go to Lieutenant-Colonel Curley. The mission was headed by Major Corey Smalley, Lieutenant Gordon Emmerson, WO2 Jason Harrell, and WO2 Peter Ramm.

Mr. Speaker, I crave your indulgence, because this is a significant undertaking by the young men and women of the Bermuda Regiment. I seek

your indulgence to read off all the names of the young people who went on this endeavour, Mr. Speaker.

**The Speaker:** Let us see if time allows it. Continue.

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

We have Major Smalley, Lieutenant Emmerson, Warrant Overclass 2 Harrell, WO2 Ramm, Colour Sergeant Edwards, Colour Sergeant Smith, Colour Sergeant Fort, Corporal Iris, Corporal Fox, Corporal Swan, Corporal Maderas, Corporal Amos, Corporal Raynor, Corporal Arruda, Corporal Iris, Corporal Showers Cassidy, Corporal Robinson, Corporal Martin, Corporal Bowman, Corporal Abrams, Corporal Govia, Corporal McKenzie, Corporal Outerbridge, Corporal Bean, Corporal Darrell, Corporal Steede, Private Darrell, Private Steede, Private Francis, and Private Tucker.

If we can send letters of appreciation and thanks to those people on behalf, and associate the whole House with those remarks.

Mr. Speaker, one of our senior educators has recently retired.

*[Timer beeps]*

**The Speaker:** Well, you have got the names in, so we appreciate that the names made it in time. But your time has expired.

**Hon. Wayne Caines:** Sure.

**The Speaker:** I am going to recognise the Honourable Member from constituency 36.

The Honourable Member, Mr. Scott, you have the floor.

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

Mr. Speaker, a request for a welcome to be sent by this Honourable House is the order of business, sir. Mr. Speaker, may I ask that this Honourable House send a note of welcome? And it is a notification, really, to the Members of this House of important medical information, of the arrival in our Island of renowned urologist, Dr. Abdussalam Musbahi. He has joined Brown-Darrell Clinic. He is a practitioner of more than 30 years within the United Kingdom. We would like the indication of this House to be a warm welcome to urologists, who are particularly needed in the population of this country at this time.

Mr. Speaker, I would like to ask that this House also send a note of congratulations to the establishment of a panel of legal practitioners that has been appointed, as part-time assistant justices, to deal with civil and commercial matters in our Island. Heading up the line, members of ladies and gentlemen are Mr. Narinder Hargun, Mr. John Riihiluoma, Mr. David Kessaram, Mr. Delroy Duncan, Mr. Mark Diel, Mr. Jeffrey Elkinson, Mr. Rod Attride-Stirling, and



Ms. Kiernan Bell. These members of the bar will fill the role of commercial and civil judges on a part-time basis.

Finally, Mr. Speaker, if time permits, over the period before this House came into session, we lost Ms. Corinne Nina Powell, the wife of my constituent, Mr. Ivoe Powell. I would ask this House to send a letter of condolences to Mr. Ivoe Powell. Mr. Ivoe Powell and his wife, during the period when I canvassed, and either a relative or a friend in the name of the Opposition Leader, because I remember . . . I think she was at the service for Ms. Powell.

**An Hon. Member:** Quite right.

**Hon. Michael J. Scott:** He was the brother-in-law. So the Opposition Leader wants to be associated with these condolences. Ms. Powell, unfortunately, passed actually on the day of the election.

**The Speaker:** Election Day. If the memory serves me right, correct?

**Hon. Michael J. Scott:** Yes. And yet, Mr. Powell, Mr. Speaker, turned up on the polling station. I was touched by this conduct of Mr. Powell.

So, thank you, Mr. Speaker.

**The Speaker:** Thank you.

At this time, we would like to recognise the Honourable Member from constituency 24.

Member, Mr. Scott, you have the floor.

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

I would just like this House to send a letter of congratulations to Dr. Lou Matthews. He has put in a lot of time and effort in our educational system here, and he is now going to be going overseas and sharing his talents in the African region. He is going to be sharing his talents in Ethiopia, Malawi, Tanzania, Nepal, and Cambodia. In February, he is going to be in Ghana. And he is just going to be going and focusing on mathematics to the children and to the youth of Africa, which I think is very noble in nature. And he is probably the best person to do it. The only thing that Dr. Lou Matthews excels at more than math is out there on the football field, where I have had a chance to play with him. I have had a chance to play with him when the Alphas would beat up on the Kappas on the football, as we are reigning champions right now. So I do not want to take up too much time talking about how much better the Alphas are in football than the Kappas, but right now I want to focus on Lou Matthews' taking his knowledge . . . that he has given back.

This is a young man, a Bermudian, who came up from the town area, has gone and he has been part of the education system, part of putting our children first and setting our children up for success on a

daily basis. And I feel as though we cannot say enough and thank him enough for his service to his country through education and mathematics. I would like to associate the Honourable Premier. I would like to associate the whole House—

**Some Hon. Members:** The whole house.

**Mr. W. Lawrence Scott:** Yes, the whole House. And I just want to make sure that Dr. Lou Matthews feels and knows the love that this country has for him, the appreciation we have for him, and all the well wishes that we have for him, moving forward.

**The Speaker:** Thank you.

I recognise the Honourable Minister.

Deputy Premier, you have the floor.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I just want to be associated with the remarks of the Honourable Member who sits for constituency 24. Any time any of our Bermudians go out with their acquired skills and do something positive in the world, that is an example of Bermuda, and certainly it is as an ambassador, Dr. Lou Matthews will be for all of us.

I would like to ask for two congratulatory messages to be acknowledged. One is for the 109<sup>th</sup> anniversary of Heard Chapel. They celebrated it just this past period. It is a testament for any organisation in Bermuda to be thriving and alive for 109 years as a member of the AME family. And they had a humble service to celebrate that, and I just wanted to ensure that this is recognised.

The other event I would like to give some congratulatory remarks on is, I attended last night on behalf of the Premier the *Grow, Eat, Save* graduation at the Botanical Gardens. This is a programme that is orchestrated by Pastor Santucci, who is the chaplain, I believe, for the Corporation of Hamilton. And he has taken it upon himself to put together a programme to assist people with learning how to cultivate their own gardens and become, essentially, much more in control over what they are eating to better themselves nutritionally and also physically.

It was a number of people who received their graduation certificates, and I am impressed with the keen interest across the board with these activities, because, as we know, in the past, long before we had supermarkets and these large opportunities to buy food from single providers, we had to cultivate our own food in our backyards. And I myself have been impressed by what I have seen in my own constituency, which is very much an urban-developed area, the number of home gardens that people have in just small spaces, even some spaces smaller than the table where the mace sits, where they are cultivating local products for themselves and their families. So, hats off to any programme, and the Parks Department

and others, who are supporting that programme! And I encourage other Bermudians to take advantage of it as well.

My last remark, I would like to congratulate the West Indian Association, Mr. Speaker, of which I am a member, for their efforts to promote a campaign for Caribbean relief. This has been launched just recently to respond to what we have seen happen to our brothers and sisters in the Caribbean. And I encourage all of us in this House and the community to support their efforts, along with all of the efforts being made locally to support the recovery of our brothers and sisters in the region. Thank you very much.

**The Speaker:** Thank you.

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

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

Mr. Speaker, I would ask that this Honourable House send congratulations to the organisers respecting *Dive In*—the festival for diversity and inclusion in insurance. This is a programme, Mr. Speaker, which was conceived under the auspices of Lloyd's for their members to try and enhance and perpetuate the incidents of diversity and inclusion within the insurance industry. Bermuda joined countries from around the world in recognising this particular festival. We joined Australia, Brazil, Canada, China, Dubai, France, Hong Kong, India, Ireland, Italy, Singapore, South Africa, Spain, Switzerland, the United Kingdom, and the United States. And in each of those jurisdictions, Mr. Speaker, there were various events that were held to recognise this particular festival.

The opening festival—and I would just briefly speak to the local participants. But before I do that, so I do not run out of time, the opening ceremony, which was hosted by XL, actually had guest speakers who were a couple of members from the Red Bull sailing team that Bermuda put forth in the America's Cup. And Shomari Warner, who was one of the speakers, was one of the members of the Red Bull team, Bermuda team, who in his presentation indicated that he had spent a year and a half of investment in his life, which is now paying and repaying tremendous dividends. Mr. Speaker, I would ask that this Honourable House send congratulations to the organisers and just indicate that the events were hosted by CHUBB. Other events were *Today's Leadership Is Evolving* by XL Catlin; *Next Generation Strategies* by XL Catlin; Argus Group on *No Limits*; *Lip Service: A frank discussion about race in the workplace* by Willis Towers [Watson]; *Racial Diversity and Inclusion: Lessons from the Classroom* by XL Catlin; and then, ultimately, the closing event, which was hosted by XL Catlin.

And I do believe, Mr. Speaker, that everybody who attended was able to get something out of it in

terms of how they can improve the lot of each of their respective jurisdictions and how we can make sure that this diversity and inclusion are perpetuated in a very positive way for our jurisdiction.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

I now recognise the Honourable Member from constituency 21. The Honourable Member, Mr. Commissioning, you have the floor.

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

Mr. Speaker, the Raynor and Burrows families are jointly mourning today. Firstly, I would like to offer condolences to the family of Tyrone McDonald Raynor, from the Mount Hill Raynors, and particularly his lovely wife, Heather. He was a constituent of mine. It was extraordinary, Mr. Speaker, because during the funeral at the First Church of God, his brother-in-law, his sister's husband, had died only a few hours before that funeral. And I am speaking here now to the passing of Mr. Maxwell Harold Tracy Burrows, Mr. Raynor's brother-in-law. So, to such an extent that Mr. Raynor's sister, Debra, was not in the condition to attend her brother's funeral because of the great grief she was experiencing . . . and so I would ask again, and I want to associate the Member from constituency 2 with these condolences. I would ask the House to extend condolences. . . and the Member from constituency 16. I repeat, I would ask the House to extend condolences to the Raynor and Burrows families as they are joined together in grief over the passing of these two men. Thank you.

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

I now recognise the Honourable Member from constituency 3, Minister Foggo. Minister Foggo, you have the floor.

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker.

Mr. Speaker, I rise on behalf of the Minister of Social Development and Sports, and indeed the Ministry itself, to share condolences to the entire sporting community and the Bermuda public regarding the passing of Mr. Thom. Mr. Thom was recognised for his efforts and coaching of the Paralympics. Indeed, Mr. Thom gave athletes whom he coached the encouragement to believe in themselves and to believe in their ability to overcome seemingly insurmountable obstacles. Mr. Speaker, let me just remind you of a well-known Paralympian, Jessica Lewis. And her ability to capture a Gold Medal in the Parapan Am Games in Canada in 2015 indeed serves as a tribute, Mr. Speaker, to the works of her coach, Ken Thom. And I can say, Mr. Speaker, that Bermuda is now at a loss, having lost Mr. Ken Thom. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

I recognise the Honourable Member from constituency 1. The Honourable Member, Mrs. Ming, you have the floor.

**Mrs. Renee Ming:** Good morning and thank you, Mr. Speaker.

I would like to take this time to . . . first of all, I would like to be associated with the comments for Mr. Gary Renaud, whom I knew very well from not just my days of being on the corporation as councillor and an alderman, but also just in my time of being around the Corporation of St. George's, because, in his capacity as fire chief, he spent a lot of time in the corporation. And I spent many years in the corporation, as my mom worked there for 41 years. So, you can imagine that we go way back.

And I would also like to be associated with the comments for Shomari Warner because I remember this young man from baseball days down at Kindley Field. I did not coach him, but my husband coached him, and I got to know his family very well. So I am happy to hear that he is progressing and doing things that we would like for him to do.

I would like to offer an obituary note right now to the family of Cal Brown. And, Minister, you are from St. George's, if you remember . . . those of you from St. George's, you will know exactly where you knew him from. I would like to associate Mr. Swan and Mrs. Foggo with those comments, as well.

I would also like to send congratulations, and I am sure that Mr. Swan and Mrs. Foggo would like to be associated with this, for the St. George's Sea Cadet tribe. We left here last week Friday, and we went down and looked at their presentation and their recruitment for nine new recruits. And it was awesome to see young people being engaged and actually interested in sailing.

And my last congratulatory is for George Dowling III. And he is the new councillor down at the Corporation of St. George's. I am sure that each and every one of us who sits here can attest to what it is like living in a political world, whether it be big politics, small politics. But we want to let him know that he is in our thoughts. I would also like to associate MP Foggo with those comments, and MP Swan with those comments, MP Burgess with those comments, as well.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

I recognise the Honourable Member from constituency 11. Honourable Member Famous, you have the floor.

**Mr. Christopher Famous:** Good morning, Mr. Speaker, and good morning, colleagues.

I want to speak briefly on Mr. Cal Brown, as well. At one point in time, I used to pump gas for a high school living, and Cal Brown was my manager at Flatts. He then moved on to Blue Hole Hill Gas Sta-

tion. Anyone who knew Cal knew he would always talk about, I think, Wellington Rovers, because he was a proud St. George's person. So, you know what else he talked about, Mr. Speaker. I just want to give condolences to his family, as well.

I want to say thanks to BELCO for sending six linesmen to BVI [British Virgin Islands] to help with the restoration.

**Some Hon. Members:** Yes.

**Mr. Christopher Famous:** In 1989, BELCO sent people down there, as well. So I want to thank BELCO for continuing to help CARILEC [Caribbean Electric Utility Services Corporation].

And lastly, Mr. Speaker, at times we take for granted the cleanliness of Hamilton and the function of the street lights. So I want to take this time to thank the workers of the Corporation of Hamilton, who keep Hamilton meticulous and functioning.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Would any further Members?

We recognise the Member from constituency 2. Honourable Member Swan, you have the floor.

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

Mr. Speaker, I would just like a letter of thanks and congratulations to be sent to performing artist, Mr. Jeffrey Osborne, who had a group who had come on a jazz cruise and played golf at Port Royal yesterday. I was honoured to be able to provide an exhibition and clinic for them. And it was an awesome experience, and it was a very wonderful gathering that took place yesterday. In spite of any inclement weather that tried to threaten the situation, a wonderful time was had by all. And I would like to associate the Honourable Member—Brother Weeks claims to know a little bit about that music.

Thank you, Mr. Speaker.

*[Laughter]*

**The Speaker:** Thank you.

No further speakers? No further speakers.

## 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

### GOVERNMENT BILLS

**The Speaker:** There are two Bills to be introduced. We recognise the Premier. Both Bills are under the Premier.  
Premier, you have the floor.

### FIRST READINGS

#### TAX REFORM COMMISSION ACT 2017

#### APPEALS TRIBUNALS (MISCELLANEOUS) ACT 2017

**Hon. E. David Burt:** Good afternoon, Mr. Speaker.  
Mr. Speaker, I am introducing the following Bills for their first reading so they may be placed on the Order Paper for the next day of meeting: Tax Reform Commission Act 2017, and Appeals Tribunals (Miscellaneous) Act 2017.

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

### OPPOSITION BILLS

**The Speaker:** There are none.

### PRIVATE MEMBERS' BILLS

**The Speaker:** There are none.

### NOTICES OF MOTIONS

**The Speaker:** There are none.

### ORDERS OF THE DAY

**The Speaker:** We have indication that there is one item that we will deal with today under Orders of the Day. And the first item is the second reading of Corporate Service Provider Business Amendment Act 2017.

Mr. Premier, we recognise you as the Minister of Finance.

**Hon. E. David Burt:** Thank you, Mr. Speaker. Can you give me one second, please?

**The Speaker:** Sure.

*[Pause]*

**Hon. E. David Burt:** Mr. Speaker, I move that the Bill entitled the Corporate Service Provider Business Amendment Act 2017 be now read for the second time.

**The Speaker:** Go ahead.

## BILL

### SECOND READING

#### CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2017

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

Mr. Speaker, the primary purpose of the Corporate Service Provider Business Amendment Act 2017, which I will refer to as I go forward as the "Bill," is to amend section 10 [of the Corporate Service Provider Business Act 2012, the "principal Act"] in order to clarify the tiered licensing regime for corporate service providers. The passage of this legislation is integral to the effective operation of Bermuda's corporate service provider regime, which is, in turn, critical in the context of the 2018 evaluation of Bermuda's compliance with the Financial Action Task Force (the FATF) standards on [combatting] money laundering and the financing of terrorism and proliferation.

Mr. Speaker, the objectives of FATF are to set standards and to promote effective implementation of legal, regulatory, and operational measures for combatting money laundering, terrorist financing and other related threats to the integrity of the international financial system.

FATF recommendation 28 requires Designated and Non-Financial Business and Professions, which I will refer to going forward as DNFBP, to be subjected to regulatory and supervisory measures. The term "designated non-financial businesses and professions" includes lawyers, notaries, other independent legal professionals and accountants; or sole practitioners, partners or employed professionals within professional firms. The Corporate Service Provider Business Act 2012 places the responsibility for oversight and enforcement of the corporate service provider sector with the Bermuda Monetary Authority [the "Authority"].

Mr. Speaker, Honourable Members are advised that, while the Corporate Service Provider Business Act 2012 [the "principal Act"], established a new licensing and supervisory regime for individuals or companies involved in the business of formation of corporate entities providing nominee services, corporate services, and other related administrative services, to such corporate entities it is necessary to amend so that the Act be revised to meet FATF requirements.

Mr. Speaker, provision of the necessary framework has been delayed several times in order to

make adjustments for the international developments related to beneficial ownership and transparency, ranging from the 2013 G7 Lough Erne Declaration to the exchange of notes between the Government of the United Kingdom and the Government of Bermuda in respect of the sharing of beneficial ownership information, dated the 9<sup>th</sup> of April 2016.

Mr. Speaker, currently, FATF mutual evaluation results for recommendation 28 revealed that the majority of countries, 21 out of 36, evaluated to date have received a partially compliant rating, while 6 out of 36 countries have received a noncompliant rating. This is largely because of the following implementation issues:

1. Lack of adequate coverage. There are no legal requirements for all DNFBP sectors to comply with AML [anti-money laundering] and CFT [counter terrorism financing] obligations.
2. Assessing or understanding risks. A low level of understanding risks at the entry level, at the supervisor level and nationally. This has led to a rules-based approach to compliance.
3. Low level of awareness of compliance with obligation. Requirements may exist in law, but they are not implemented or enforced—often as a result of lack of supervision and guidance.
4. Identifying the DNFBP population. Large numbers of DNFBPs make identifying the regulated population challenging.
5. Legal professional privilege. Issues with defining how privilege applied contributes to low compliance in the legal sector; and
6. Sanctions. Sanctions have not been applied or are not sufficiently dissuasive.

Bermuda fits into category 3, which covers countries where the requirements exist in law, but they have not been fully implemented.

Mr. Speaker, the Authority has advised the Minister of Finance that there are approximately 100 entities or individuals to be licensed. As applications have already been received, licensing can commence from the date of the commencement of the Bill.

Mr. Speaker, key aspects of the amendments are as follows: Section 10 of the Corporate Service Provider Business Act provides for a tier licensing regime, an unlimited licence allows a corporate provider to provide any or all corporate services set out under the definition of “a corporate service provider business.” A limited licence prevents a corporate service provider from acting as a company formation agent—an agent for the establishment of a partnership—and keeping or making any necessary alteration in the register of members of a company, unless certain requirements are met.

It is proposed to amend the principal Act as follows . . . and to make sure that . . . The Amend-

ments provide that a corporate service provider holding an unlimited licence may provide any or all of the corporate services under the definition of the “corporate service provider business.” It is also to amend the Corporate Service Provider Business Act to provide that a corporate service provider holding a limited licence may provide any of the corporate services under the definition of “corporate services,” subject to the limits that are going to be set out in the amended and new subsection.

Further amendments to the principal Act will impose limits on corporate service providers with a limited licence by requiring that an undertaking so licensed shall not provide the following services unless those requirements are met—and those services that they will not be allowed to provide are acting as a company formation agent or agent for the establishment of a partnership; and keeping or making any necessary alteration in the register of members of a company, in accordance with section 65 of the Companies Act 1981.

The requirements are as follows:

Corporate services to be provided to a company/new formation. Where the corporate service is to be provided to a company or in the case of a new formation, the proponents of the company, the requirement is for the company or for the proponent to have obtained the permission of the controller of foreign exchange under the relevant section of the Exchange Control Regulations 1973, as follows: Regulation 12 with respect to the issue of securities; Regulation 13 with respect to transfer of securities registered in Bermuda; Regulation 14 with respect to matters related to nominees; Regulation 17 with respect to a substitution of securities and certificates outside of Bermuda; Regulation 19 with respect to duties of persons keeping registers; and Regulation 20 with respect to additional provision as to nominee holdings.

Corporate service providers are to be provided to a partnership. Where the corporate services are provided to a partnership, the requirement is for the partnership to have obtained the consent of the Authority for the formation of a limited partnership or its change of particulars under section 5 or section 8B of the Limited Partnership Act 1883, or for the registration of an exempted partnership or the change of its general partner under section 8 or section 13(1)(a) of the Exempted Partnership Act 1992.

Corporate services provided to a limited liability company. Where the corporate service is provided to a limited liability company, relating to issue or transfer of an LLC interest, under section 45(7) of the Limited Liability Company Act 2016, the requirement is for the limited liability company, or in the case of a new formation, the proponents to have obtained the consent of the Authority for such issue or transfer in accordance with section 45(7). Section 45 of the Limited Liability Company Act 2016 deals with matters related to the admission of members of the limited liability

company. An LLC interest referred to under section 45(7) is an LLC interest with specified voting rights.

The Bill before us today would make consequential amendments to section 45 of the Limited Liability Company Act 2016 and to amend section 45(7), providing for LLC interests with voting rights to clarify when a limited liability company is required to obtain the consent of the Authority for the issue or transfer of such LLC interest. Where an LLC has its registered office at the registered office of a licensed corporate service provider, an LLC is not required to seek consent of the Authority for issue or transfer of such LLC interest.

The Bill before us will also amend section 45 of the Limited Liability Company Act by repealing section 45(7A), which requires that a limited liability company should notify the Authority of an issue or transfer of an LLC interest under section 45(7) on a forthwith basis, and replacing it with a requirement to notify the Authority as soon as practicable, but no later than 14 days after such issue and transfer.

Finally, clause 3 will also repeal the effective date provision in relation to the issue or transfer of LLC interests to which section 45(7) relates. The amendments to section 45 of the Limited Liability Company Act 2016 are linked to other legislation which is still to be tabled in the House relating to beneficial ownership. This Honourable House is advised that the minimal requirements have been included for the purposes of these amendments in order to clarify to the service provider regime. Further amendments are expected, but it was considered that the Bill should not be delayed, for these reasons.

Mr. Speaker, Bermuda benefits by having our own legislative regime which is intended to address speed-to-market and privacy concerns raised by industry, as well as the Financial Action Task Force and the Organisation for Economic Co-operation and Development policy standards and commitments that are applicable to Bermuda.

Mr. Speaker, in closing, I wish to express my sincere thanks to the Bermuda Monetary Authority for leading this initiative, together with the Regulatory Unit within the Ministry of Finance, the National Anti-Money Laundering Committee, and the Attorney General's Chambers, for our progress to date. Thank you, Mr. Speaker.

**The Speaker:** Mr. Premier.

While you are on your feet, would you like to do the honours . . . at this hour, at this point?

**Hon. E. David Burt:** Thank you, Mr. Speaker. I move that the House do now adjourn for lunch, to return at 2:00 pm.

**The Speaker:** Thank you, Mr. Premier.

*[Gavel]*

**Proceedings suspended at 12:31 pm**

**Proceedings resumed at 2:02 pm**

*[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]*

## BILL

### SECOND READING

#### CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2017

*[Continuation of debate thereon]*

**The Deputy Speaker:** We are back with the resumption of the House after lunch and we are debating the Corporate Service Provider Business Amendment [Act 2017].

Any further speakers?

The Shadow Minister for Finance, Mrs. Atherden. You have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

*[Pause]*

*[Crosstalk]*

**The Deputy Speaker:** Mrs. Atherden, are you not going to speak?

**Mrs. Jeanne J. Atherden:** I am ready.

**The Deputy Speaker:** Okay.

**Mrs. Jeanne J. Atherden:** Mr. Deputy Speaker, I must say I was very pleased that the Opposition—the Premier, sorry, the Premier and Finance Minister gave me his brief because that is also continuing in the spirit of collaboration and cooperation.

I obviously have to start off and say that this Bill has come . . . it has had a long journey. And most of the journey has been part of the journey that the previous Government (of which I am a part) was involved in. Because if you stop . . . and I reminded myself that the Bill that we are trying to modify here is the Corporate Service Provider [Business] Act 2012, and we came in right along after that. So when I started to go back and look at the transition, I recognised that there are effectively one, two, three, four, five, six, seven, actually seven Bills or Regulations that have come as a consequence of this.

We all know why we are doing this. We know that Bermuda is trying to make sure that we get on the right side of FATF [Financial Action Task Force], because if we do not do that then Bermuda is not going to be well positioned. And if we are not deemed to be

a regime or a jurisdiction that adheres to the rules, and if FATF feels that the regime is such that we [do not] meet the standards, then it is going to be really bad for Bermuda.

I am mindful of the fact that these changes here are in line to make sure that we have to combat money laundering and the financing of terrorism and proliferation. And I must admit [that] sometimes Bermudians do not understand that when we first started to do all of this we used to just worry about, you know, are we a “tax haven” and whether people thought that we were a “tax haven.” We have gone past that. Right now the name of the game is making sure that we can make sure that FATF understands and believes, when they look at us, that we are doing the right thing so that we do not have people coming here and laundering their money and turning around and . . . Who would have thought? Who would have thought years ago that terrorists would be turning around and figuring out ways to get their money to wherever they need to go to make sure that the terrorist acts that they committed to would be used through all of these very intricate avenues?

So, I am mindful of the fact that everything that we do is designed to make sure that we do the right things with respect to the Financial Action Task Force standards and that what we are doing here . . . and as the Finance Minister and Premier said, this is not the end of it. There are more things. I mean, each time something comes up he has to remind us that this is just another layer in getting it right as it relates to making sure that we have the standards in place and that we are able to turn around and make sure that, not only do we have the standards in place, [but] that we are actually turning around and adhering to these standards.

And so I do, and I know that my colleagues [do], support this. We support this because we realise that it is important, especially as you go over time, you start to recognise that different areas have been, if you will . . . the areas where countries have seen that if terrorists want to do something, certain areas have come up. And, therefore, the corporate services area is something that has come up as a way for people to do things and, therefore, it is . . . these changes are things that have been designed to take care of this.

I know that the people in the Ministry of Finance have been effectively working with people in other jurisdictions to understand what is happening in other places to make sure that if something has come up as an issue that we get on the right side of it. Because the last thing we want is when the Task Force comes to look at Bermuda that we have anything here that someone can turn around and say, *Oh, this is a gap*, or, *Oh, they haven't done this*. We are trying to make sure that all of our boxes are ticked so that we can then turn around and get the good, clean report. So I am mindful of that.

And I am mindful of the fact that there is this balance of trying to make sure . . . especially when you already have people that are corporate service providers and, you know, they sort of feel, *Well hey, we're doing the right thing* . . . and I must admit . . . and I will say this, especially when you start looking at the range of persons that are corporate service providers. Because you forget that it is not just lawyers. It is when you talk about the notaries and you talk about the people in the legal professions and the accountants, and then you start talking about the fact that it is not just corporate entities, you have sole practitioners. And if you think about it . . . and I know from even my profession that corporate entities, everybody tries to do the right thing, okay? But corporate entities tend to have much more structure and control, et cetera. Sole practitioners sometimes are a stretch from the point of view of trying to make sure that they live up to the standards and they do all of the right things. And maybe sometimes they come across some things that they have not ordinarily done, but I am sure, with their Bermuda spirit they go at it and they sort it out and they do it.

Now, whether it was outside of their realm . . . I think what we are trying to do . . . this is trying to make sure that everybody does things that they are appropriately qualified to [do]. And if they are getting into an area which they are not normally involved in, that we put some sort of caveats there so that they get permission and they do not do anything such, as I say, that they get outside of their normal comfort zone and then something slips through and . . . you know what it is like. It slips through and when somebody discovers it we cannot turn around and take it back.

But one other thing I am mindful of is the fact that the BMA [Bermuda Monetary Authority] (who is the Authority to do all of this) has started the process. Because, remember, the applications have been in and that is why they have the opportunity to see how many people out there are basically saying, *I am a corporate service provider*. It has given them the opportunity to see the entire range of who is out there.

And I bet, if we could turn around and ask the technical people, I bet you they found that there were some people that perhaps they were not even thinking about as qualifying as corporate service providers. But the understanding is that as long as you are in this area of business and you are doing these types of things, then you are deemed to be a corporate service provider. And that is why it has been important to say with respect to people who have (what I call) traditionally done these things, and it has been accepted that they are a corporate service provider and properly licensed . . . those persons have effectively been able to be . . . I will not say “grandfathered,” but those persons have been able to go through and have what I call the “unlimited licence.”

Therefore, it has been important for us for when we start to look at people who might not be in-

volved in this, or might not have had the extensive experience, to turn around and have something in there so that they could have limited licences. So that is where the BMA has to turn around and, based on the application, based on all the information that has been provided, the BMA has to make this decision about whether you have what I call the "limited licence" or whether you have the "unlimited licence." And I think, by and large, all of the things here focus a lot on what I call the "limited licence," because that is where you have the concerns in terms of people understanding clearly what the requirement is, understanding the various types of transactions that you will be involved in, and making sure that you understand what you have to do.

So the clause which talks about the limited licence and talks about what you have to do in terms of applying to the BMA before you do certain things, as opposed to just doing them, those are all things . . . making sure that somebody, some entity, does not inadvertently create a problem and do something which Bermuda is going to be harmed by. Because the bottom line is if you do something and it comes up that you should not have done it, and we are then stuck saying, *Okay, this happened here in our jurisdiction* . . . you know, the red mark that we have [which] we cannot take away. That is why it is important to help entities understand, if they are in that limited category . . . Well, first of all, help entities understand why they might be given a limited licence.

It is really important for them to understand why they might be given a limited licence; especially if in the past we did not have any of this, what I call regulation, et cetera. So this is what I call the new procedure and you have to make people understand why the procedure is there so that when you tell them about it they do not feel that they are being picked on; they understand that it is something that Bermuda has to do. And the more that we can turn around and make sure that they understand why they have a limited licence, then it is very important.

I think after that, you know, it inserts the section to talk about if you have a limited licence that you are not supposed to do the service if you are in certain categories, et cetera. And especially when you start talking about new company formations, because this is what happens a lot. Somebody comes up with something that you had not thought about and somebody that is not aware of the trickiness of this and you decide to think, *Oh, it's fine*. And then before you know it someone has formed a company and something is happening in there and the genie is out of the box and we are not able to turn around and talk about where the money is coming from.

And the sophisticated people out there now have ways in which this money goes in somewhere else and comes around and comes back and they make it awfully difficult. The persons out there who have a criminal mind are the brightest people that you

want to see and I think we all acknowledge that. So what we have to do is make sure that the regulations are in place to try and prevent people from doing things that are going to harm Bermuda, try and make sure that the individuals that might have these things come across their businesses are alerted.

I think most people want to do the right thing. Obviously, people are entrepreneurs [and] they would like to make money. But I think that if they knew that it was going to cause a problem, or cause harm, then I think most people would turn around and make sure that they do not do that. But that does not mean that there are not people out there who are deciding to let it go and chance it. But then they have to understand that when they do things there are going to be penalties and they have to understand how all of these things take place.

I must admit that when I looked at the range of corporate services that were highlighted I realised that over time those are the ones that, if I reflect back on changes that have been made and regulations that have been introduced over time, relate to some of the things which, as I say, are a little more unique and which are things that we are not normally exposed to. So, this is where Bermuda has to make sure that we get this right.

Also, the regulations reflect the fact that if you are used to being in the business and, like you say, if you have the registered office and you are doing something, you do not have to turn around and seek the consent for transferring the LLC interests, et cetera. So certain things give recognition to the fact that if you are used to doing certain things we are not going to turn around and say that you need, effectively, your hand held. And I do not mean that in a negative way, but to say that it is giving recognition that you have been involved in that and, therefore, the risk and the danger is not quite so much.

So, Mr. Deputy Speaker, I just wanted to say it is . . . also the fact that the Finance Minister and Premier indicated there are going to be more amendments coming to be tabled in the House relating to beneficial ownership, which is fair enough. I think everybody understands that beneficial ownership has been one of the . . . how people do their beneficial ownership, how they have all their layers and everything, that has been one of the most difficult things in terms of transactions and how things can go. So it is not surprising that there are going to be additional amendments because I think what we have been mindful of is that the technical officers have been able to be out there to see what is happening, even in other jurisdictions or when concerns have been raised to make sure that we get it right.

And as the Premier and Finance Minister said, you did not want to delay all of this. We want to get a lot of it in place because some of these other things can be picked up later. Especially bearing in mind that the applications are out there, the BMA has to let



these people know what type of restrictions they are going to have, especially if people are going to have limited licences because those are the ones. And, therefore, it is important for us to get out and have the BMA start to talk with them about what is going to happen.

So, Mr. Deputy Speaker, I just wanted to say that we, obviously, support this and I know that as we go forward the idea of making sure that Bermuda stays on the right side, that we do not get that red mark, is what everybody is working towards. Now, that does not mean that there might not be some concerns in terms of people having to understand things that they might have to do that they did not have to do before. But I think that all we are all recognising now is that we are going to enter an era of having to have more regulations and having to do more things to make sure that we are on the right side.

I do not think any government . . . in the past, remember we used to say to ourselves that we would come here and would have *more red carpet and less red tape*? Well, we still want to have red carpet; but we have to make sure that where the tape is needed, we have to do that because we do not want a red tick against Bermuda. So I guess I have to say more red carpet, maybe we have to have a bit of red tape because we do not want a red tick.

So, Mr. Deputy Speaker, we support this and we understand why this is required. And the one thing that we can do to help those people that will have the limited licences is to help them work their way through having to have a limited licence and try and make sure that more and more people understand. Because the BMA has got to get on the second part of this, which is what we talked about when I think someone was talking about FATF and all the other stuff. [And that] is that we cannot be having all of these things as stuff we are going to do. We have to have it as stuff we are doing.

If we are not seen to be doing this then we will not have that year in which to show that, you know, it has been in place and we have been making sure that these entities have been subject to the review for another year. Because as the Finance Minister said, you have got people in there who have implementation issues, so we are trying to make sure that we reduce our implementation issues by getting it right up front as it relates to the Act here and then over time making sure that we have enough time to get out and help the individuals.

So, Mr. Deputy Speaker, I am looking forward to the Committee stage. Thank you, Mr. Deputy Speaker.

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

Any further speakers?

We recognise the Shadow Attorney General, the Honourable Trevor Moniz. You have the floor.

**Hon. Trevor G. Moniz:** Thank you, Mr. Deputy Speaker. I am going to be brief on this—

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** Oh, we want to know what is happening with those prosecutions and civil recoveries. We want to know. We have not . . . the Premier can stand on his feet right now and say where he stands on corruption.

**The Deputy Speaker:** Honourable Member, Member!

**Hon. Trevor G. Moniz:** Yes, Mr. Deputy Speaker.

**The Deputy Speaker:** You need to be talking to me.

**Hon. Trevor G. Moniz:** I am talking to you, Mr. Deputy Speaker.

**The Deputy Speaker:** Okay, well, let's . . .

**Hon. Trevor G. Moniz:** That Honourable Member can stand on his feet right now and say what he is going to do about corruption. He is welcome to do that.

Now, with respect to the piece of legislation in front of us, Mr. Deputy Speaker, I agree in broad principle. Obviously, we want to pass the assessment that we face in the coming year with respect to FATF. I am a little bit unsure, on reading the piece of legislation, exactly who would apply for a limited licence. I was not able to hear the entirety of the Premier's presentation when he spoke on this, and I do not know if it is possible to give exact examples of who would have a limited licence.

Now, one of the problems here is I have had a lot of complaints from people in the industry—and I declare my interest as a barrister and an attorney. A lot of the people in the practice do some corporate ministrations work. And you get some people who are obviously large and you get those people who are much smaller. And, clearly, there have been complaints from the amount of paperwork that is required, exactly the "red tape" my colleague, the Shadow Finance Minister Mrs. Atherden, spoke to. There have been complaints about the paperwork required.

So, while we want to have compliance with FATF, we clearly want to have a light touch in this jurisdiction insofar as we are able. We do not want to be putting people out of business. And, of course, there are constantly suggestions that in the broader world there are those competitive jurisdictions who would like nothing better than to make us inefficient and unable to produce a good product for our customers.

So what I would like to be assured of is that this is going to be an efficient and a light-touch regime for those people who give these services, and to make it clear that there has been no allegation against

this jurisdiction of any substantial improprieties with respect to financial behaviour internationally.

Thank you, Mr. Deputy Speaker.

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

Any further speakers?

We recognise the Honourable Member from Sandys, Michael Scott.

**Hon. Michael J. Scott:** Thank you, Mr. [Deputy] Speaker.

Mr. [Deputy] Speaker, I too am hopeful that we will be focused on a risk-based approach to these issues of compliance, rather than rule based. I declare an interest as a practitioner as well, as barrister and practitioner in this jurisdiction, so that there is a risk-based approach.

By and large, the issues that we are seeking to cover under the supernumerary regulators have been driven by the corporate service providers who are the big players. Those have been the areas where, I rather suspect, the large breaches of money laundering and anti-terrorist financing have been occurring. And taking the point of the Shadow Attorney General, small practitioners, or single practitioners, or medium to small practitioners, . . . there should be the minimum of impact, Mr. Deputy Speaker, on their being cut out of carrying on formations of companies (if this is a part of their practice), because the compliance requirements or, indeed, the specific provision where you are forced to go into the cubbyhole of limited practitioner (where you cannot form a company) is imposed on you.

I am hoping, therefore, that across the board of the legal practitioners in this country the ability to form up an unlimited practice . . . or fall into the "unlimited" category of corporate service provision, is made as smooth as possible, and possible. Because it is pointless for a practitioner, as a sole practitioner like myself or some of the medium-sized firms, to only be able to have a limited category, or be in the limited category of limited corporate service providers, and not be able to form companies. Because that is where the basic practitioner and the basic service you offer is—to form the company, to maintain the corporate books, to earn the annual fees for renewal of these local companies. So, I hope we do not lose either the focus or fall into the fiction that we are confronted with.

The problem has no doubt been driven by existing major corporate service providers across the world, globally, that is driving these requirements. And a small practitioner, or a sole practitioner, is unlikely to be approached by a major money launderer or terrorist financier without the BMA being able to pick it up quickly. And so this is about how the risk can be better . . . will be well managed. The risk will be well managed by ensuring that the smaller practitioners who

are simply trying to make a living are doomed right there and expand their practice beyond civil and matrimonial into levels of corporate service provision and not be cut out.

I have had anecdotal information given to me that some small firms are just abandoning their corporate services altogether for the reason of not being able to meet this hurdle.

But, I obviously concur and am supportive of the Minister's principal aim and, as has been indicated in the House, of getting this Bill put in place. And I do welcome . . . and I know that I have spoken briefly with the Premier and Finance Minister who has taken on board the whole concept of risk-based management of this process rather than just strict black-letter laws, rules that you must comply with and making it inflexible.

So, with those observations on behalf of sole practitioners and/or medium-sized practitioners, I think I have taken the point that I wished to make in relation to this important legislation.

Thank you, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you, Honourable Member from constituency 36.

Any further speakers? Mr. Premier?

**Hon. E. David Burt:** Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, I thank honourable colleagues for their comments and the few questions and, of course, I thank the other side for the support. As the Honourable Shadow Minister had stated, it is my practice to share briefs on financial matters with the Shadow Minister and allow her and her colleagues to have briefings from technical officers so that they can be well prepared with the subject matter that we have before we come to this House.

And I thank the Learned Member who just took his seat for understanding and recognising that we must make sure that Bermuda maintains its place as an internationally recognised and well-regulated financial jurisdiction, and that we cannot fail on the upcoming test. So what I would say is that it is surprising . . . and I will answer the question that the former Attorney General asked when he asked, *What types of firms?* even though he, a former Attorney General who had access to the brief from the Shadow Minister of Finance, is not able to understand precisely what it is.

And from that perspective what I will answer him is . . . he [asked], *Who will apply for limited licence?* And it will likely be small firms who are not able to or are interested in making the size of investment required to be in possession of the capabilities necessary to do all of the items that are performed by the unlimited stuff, including company formation and/or becoming shareholders. And from that perspective what we are trying to do, as was stated, is set up a two-tiered system for the small firms, or those

that do not want to do everything, so it is not unnecessarily onerous, and then for the large firms they can do other items.

But what I think is most important, Mr. Deputy Speaker, is that it is surprising to me that the old United Bermuda Party does not even remember what they advocated for. Because I am certain that . . . and I was not in this place, I was in another place. But I remember ad nauseam the former Minister of Finance (when he was the Shadow Minister of Finance) talking about double-vetting, double-vetting, double-vetting, and how we needed to get past double-vetting. So, here we are . . . the things that are necessary to get past this whole double-vetting. And, of course, the former Honourable Attorney General (now the Shadow Attorney General) gets up and complains about his interests.

Well, here is the thing, Mr. Deputy Speaker, it is a new world.

**Hon. Trevor G. Moniz:** Mr. Deputy Speaker, that Honourable Member is misleading the House.

**The Deputy Speaker:** Do you have a point of order?

**POINT OF ORDER**

*[Misleading]*

**Hon. Trevor G. Moniz:** Yes. He is misleading the House. I was not complaining about my interests whatsoever. I was just saying that I had received complaints from people in the community that there was a lot of paperwork involved with these applications, and I was hoping that this would use a light hand in terms of regulation. That was all.

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

Carry on, Mr. Premier.

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

As the Honourable Member who just took his seat—the Learned Member—spoke about *his* interests and the fact that he has a small law firm . . . and we understand because we have seen what happens when Members of the Government allow their interests in their private law firms to—

**Hon. Trevor G. Moniz:** Mr. Deputy Speaker, the Honourable Member continues to—

**The Deputy Speaker:** Member, Member, you have been here long enough to know you . . . do you have a point of order?

**POINT OF ORDER**

*[Misleading]*

**Hon. Trevor G. Moniz:** I have a point of order. He is misleading the House.

**The Deputy Speaker:** All right. You must say that before you—

**Hon. Trevor G. Moniz:** I did not speak about my law firm. I did not speak about that at all. So he must have problems with his hearing.

**The Deputy Speaker:** Thank you.

Carry on, Mr. Premier.

**Hon. E. David Burt:** And, Mr. Deputy Speaker, that Honourable and Learned Member must have a problem with his memory because he spoke about his law firm.

But let me explain to you what happens when Members of the frontbench allow their private interests to get in the way of public business. That would be the reason why for five years, under the former Government, there was no Land Title Registry put into place, Mr. Deputy Speaker. So let us talk about interests being in the way.

**Hon. Trevor G. Moniz:** Mr. Deputy Speaker, that Honourable Member is imputing improper motive.

**The Deputy Speaker:** Member, Member, you cannot speak until you are recognised by the Chair.

And do you have a point of order?

**Hon. Trevor G. Moniz:** Yes, I do, Mr. Deputy Speaker.

**The Deputy Speaker:** Well, you must state that first.

**POINT OF ORDER**

*[Imputing improper motive and misleading]*

**Hon. Trevor G. Moniz:** He is both imputing improper motive and he is misleading the House and the public of Bermuda. The situation is that those are not the reasons and we will, obviously at some point, get to the Land Title Registry and the debate on that item. But if he would learn himself up he would know that that is not the reason at all for the delay. It has nothing to do with that.

**The Deputy Speaker:** Thank you.

Carry on, Mr. Premier.

**Hon. E. David Burt:** Mr. Deputy Speaker, the learning that took place inside of this country on July 18<sup>th</sup> should be clear for all to see, and that is the reason why we are over here and they are over there.

Again, the point: [For the] four and a half years that they were in Government, [the] Land Title Registry [was] not put into place because persons

may be looking out for their own interests instead of the interests of the country. And if the Honourable Member has a guilty conscience, then he can stand to his feet and say "point of order" one more time.

**Hon. Trevor G. Moniz:** Point of order. Point of order. I do not think he can be suggesting,—

**The Deputy Speaker:** What is your—

**Hon. Trevor G. Moniz:** —Mr. Deputy Speaker.

**The Deputy Speaker:** Honourable Member—

**Hon. Trevor G. Moniz:** Yes.

**The Deputy Speaker:** —you must be recognised before you speak.

**Hon. Trevor G. Moniz:** Yes, Mr. Deputy Speaker.

**The Deputy Speaker:** What is your point of order?

**Hon. Trevor G. Moniz:** Well, he is being outrageous in his statements. I think you should take responsibility as Deputy Speaker to stop him—

**The Deputy Speaker:** Mr. . . . Mr.—

**Hon. Trevor G. Moniz:** —he is imputing improper motive.

**The Deputy Speaker:** Honourable Member, when I take to my feet, you sit, right?

You do not talk . . . or have that language in this House [about] what I should do. You have been here long enough to know better.

Carry on.

**Hon. Trevor G. Moniz:** He is continuing to do the same thing, Mr. Deputy Speaker. He is imputing improper motive. That . . . Land . . . and we are getting off the subject entirely, Mr. Deputy Speaker. So I think there should be more control over the debate. But the Land Title Registry could have been introduced under their Government—

**Some Hon. Members:** Yes.  
That's right.

**Hon. Trevor G. Moniz:** And that is why it was not introduced under their Government. It was brought in . . . when? Several years before they lost the Government.

**The Deputy Speaker:** That is your point . . . you are not . . . you are going into a speech. You may sit.  
The Premier can continue.

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

But as we see, the guilty conscience has run far and wide on that side because when we talk about—

**Hon. Trevor G. Moniz:** Mr. Deputy Speaker,—

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** Point of order.

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

*[Imputing improper motive]*

**Hon. Trevor G. Moniz:** He is imputing improper motive. He is suggesting I have a guilty conscience. I have a clean conscience. Sometimes people look and they think they are looking in a mirror and they are saying something about themselves.

I, for one, do not have a guilty conscience.

**The Deputy Speaker:** Carry on, Mr. Premier.

**Hon. E. David Burt:** Mr. Deputy Speaker, it is amazing what the former Attorney General, the master of shredding documents, can say when he is up in this place.

**Some Hon. Members:** Ooh!

**Hon. Trevor G. Moniz:** Mr. Deputy Speaker, point of order.

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

*[Imputing improper motive and misleading]*

**Hon. Trevor G. Moniz:** That was imputing improper motive, and it was misleading and untrue, and he should withdraw that statement.

**The Deputy Speaker:** Carry on, Mr. Premier.

**Hon. Trevor G. Moniz:** I am asking you to ask him to withdraw the statement, Mr. Deputy Speaker.

**The Deputy Speaker:** Honourable Member, will you take your seat?

**Hon. Trevor G. Moniz:** I am just asking if you will say—

**The Deputy Speaker:** Will you take your seat?  
Carry on, Mr. Premier.

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

Mr. Deputy Speaker—

**Hon. Trevor G. Moniz:** Clarification, Mr. Deputy Speaker.

**Hon. E. David Burt:** I do not yield.

**The Deputy Speaker:** Do you yield for clarification?

**Hon. Trevor G. Moniz:** Point of order.

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

**Hon. Trevor G. Moniz:** My point of order is I am asking you for a ruling, Mr. Deputy Speaker.

**The Deputy Speaker:** The ruling is . . . Mr. Premier, carry on.

**Hon. E. David Burt:** Thank you, Mr. Deputy Speaker.

I will continue because . . . let me get to my point, because for those persons who seem as though if the best thing to do to progress this country is to protect established interests and the old way of doing things, they will realise that this is not the way to advance. And what we have to do in this country is look at compliance and the way in which the world is going towards as an opportunity. It is an opportunity for new law firms and maybe even older law firms, like the Honourable Shadow Attorney General has, to modernise their activities. It is an opportunity for Bermuda to become a centre for compliance and to look at how we can benefit off of what the world is going to.

So those are the type of opportunities, so the conversations that we should be having up here. And the conversation that fortunately this Government is having is how we are going to capitalise off of those opportunities. How are we going to make sure that Bermuda is not only a well-regulated jurisdiction, but how are we going to use these changes to provide jobs and opportunities and new industries inside this country? That is where our focus is and, as I have said many times, Mr. Deputy Speaker, they are the past, we are the future and we are moving forward.

And with that I move that the Bill be committed.

*[Desk thumping]*

**The Deputy Speaker:** The Bill has been committed to the whole of the House.

Ms. Jackson . . . Mr. Commissioning, will you come at this moment, please?

Oh, I did not see you.

**House in Committee at 2:38 pm**

*[Ms. Susan E. Jackson, Chairman]*

## COMMITTEE ON BILL

### CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2017

**The Chairman:** Good afternoon, Honourable Members. We are now in Committee of the whole House for further consideration of the Bill entitled [Corporate Service Provider Business Amendment Act 2017](#). I call on the Minister in charge to proceed.

Minister, you have the floor.

**Hon. E. David Burt:** Thank you very much, Madam Chairman.

Madam Chairman, I move clauses 1 and 2.

**The Chairman:** Okay. It has been moved that the clauses be approved—

**Hon. E. David Burt:** [Clauses] 1 and 2.

**The Chairman:** —[Clauses] 1 and 2.

**Hon. E. David Burt:** Would you like me to proceed?

**The Chairman:** Would anyone like to speak to the clauses?

**Hon. E. David Burt:** I will. Thank you very much, Madam Chairman.

Madam Chairman, clause 1 provides for the citation of the Bill.

Clause 2 amends section 10 of the Corporate Service Business Provider Act 2012 to provide that a corporate service provider holding an unlimited licence may provide any or all of the corporate services under the definition of corporate service provider business and one holding a limited licence may provide any or all of the corporate services under the definition of corporate service provider, subject to the limits set out in subsection (6).

Clause 2 further amends section 10 of the Corporate Service Business Provider Act 2012 by inserting a new subsection (6), which imposes limits on a corporate service provider limited licence by requiring that an undertaking so licensed shall not provide the services to a company, partnership, or limited liability company unless certain requirements are met. And those requirements are:

- Acting as a company formation agent or agent for the establishment of a partnership and keeping or making any necessary alteration to the register of members of a company in accordance with section 65 of the Companies Act 1981.

- Corporate services to be provided to a company in new formations where the corporate services to be provided to a company, in the case of a new formation, the proponents of the company relating to the issue or transfer of securities or related matters, the requirement is for the company or the proponent to have obtained the permission of the Controller of Foreign Exchange under the relevant sections of the Exchange Control Regulations 1973.

We are going over the requirements, Madam Chairman, sorry.

- The corporate services provided to be a partnership is another requirement. And that means where the corporate service is to be provided to a partnership, the requirement is for the partnership to have obtained the consent of the Authority for the formation of a limited partnership or its change in particulars under section 5 or 8B of the Limited Partnership Act 1883 or for the registration of an exempted partnership or the change to its general partner under section 8 or section 13(1)(a) of the Exempted Partnerships Act 1992.
- And the final requirement would be for corporate services to be provided to a limited liability company and that would say that where the corporate service is to be provided to a limited liability company relating to the issue or transfer of an LLC interest under section 45(7) of the Limited Liability Company Act 2016, the requirement is for the limited liability company, or in the case of a new formation, the proponents to have obtained the consent of the Authority of such issue or transfer in accordance with section 45(7).

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

Would anyone like to speak to clauses 1 and 2?

The Shadow Minister of Finance has the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Madam Chairman.

Madam Chairman, obviously . . . and I just wanted to state this again because somehow it did not seem to get across. We understand the need to have this. We support these changes. And, therefore, I am really concerned when I hear this back and forth across the House as if to suggest that we do not understand that it is necessary for these parts of the Act—

**An Hon. Member:** One and two.

**Mrs. Jeanne J. Atherden:** —that it is important for us to understand, especially as it relates to [clause] 2

where the limited licence is amplified and the requirements, et cetera, are laid out.

I am speaking to that because these are the new things that are being introduced, and I want to make sure that everybody understands [that] we understand the need for it. We are not turning around and saying we do not support this. So, let us see if we can stop this back and forth of saying that we do not understand that this is important for Bermuda and, therefore, we want the right things to happen.

We understand that new people can go and decide to go into these areas of business. We want people to have opportunities and, therefore, knowing that there are ways in which they can apply for licences and knowing that this is the limited licence, and especially as it relates to a limited licence we understand and we think that it is setting out restrictions, et cetera, which will give the control, which is the other side of this, to make sure that they do not get into things, that the BMA gets the opportunity to give their consent for those areas which are a little more unique and, therefore, we understand and support these changes.

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

Would anyone else like to speak to clauses 1 and 2?

Minister, you have the floor.

**Hon. E. David Burt:** Thank you very much and I thank the Honourable Shadow Minister for her support. As I said in the general debate, Madam Chairman, I do not believe that the question of understanding lies with her; I think it may be with other Members on her frontbench.

With that I will move that clauses 1 and 2 be approved.

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

Is there any objection to that motion?

No objection.

Agreed to.

*[Gavel]*

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

**Hon. E. David Burt:** Thank you, Madam Chairman.

I would like to move clause 3.

Clause 3 makes consequential amendments to section 45 of the Limited Liability Company Act 2016 in subsection (7) by causing the subsection to be subject to subsection (8) and by deleting the end provision that states that the consent of the Authority is not required for the issue or transfer of the LLC interests referred to in that subsection where the issue or transfer of such LLC interests is made by a limited liability company having its registered office at the reg-

istered office of a Licensed Corporate Service Provider.

Further, section 45 is amended by the repeal of subsection (7A) and the substitution of subsections (8) and (9). The new subsection (8) provides that subject to subsection (9) the consent of the Authority is not required for the issue or transfer of an LLC interest referred to in subsection (7) where the issue or transfer of such LLC interests is made by a limited liability company having its registered office at the registered office of a Licensed Corporate Service Provider.

The new subsection (9) requires a limited liability company that has, under subsection (8), issued or transferred an LLC interest referred to in subsection (7), to notify the Authority of the issue or transfer of such LLC interest as soon as practicable, but no later than 14 days after such issue or transfer.

**The Chairman:** Thank you, Minister.  
Would anyone like to speak to clause 3?  
Minister, you have the floor.

**Hon. E. David Burt:** Thank you very much, Madam Chairman.  
I move that clause 3 be approved.

**The Chairman:** It has been moved that clause 3 be approved.  
Is there any objection to that motion?  
No objection.  
Agreed to.

[Gavel]

[Motion carried: Clause 3 passed.]

**Hon. E. David Burt:** Thank you, Madam Chairman.  
I move that the Preamble be approved.

**The Chairman:** It has been moved that the Preamble be approved.  
Is there any objection to that motion?  
No objection.  
Agreed to.

[Gavel]

**Hon. E. David Burt:** Thank you very much, Madam Chairman.  
I move that the Bill be reported to the House as printed.

**The Chairman:** Is there any objection to that motion?  
No objection.  
Agreed to.

[Gavel]

**The Chairman:** The Bill will be reported to the House as printed.

[Motion carried: The Corporate Service Provider Business Amendment Act 2017 was considered by a Committee of the whole House and passed without amendment.]

**House resumed at 2:46 pm**

[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]

## REPORT OF COMMITTEE

### CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2017

**The Deputy Speaker:** The Bill entitled the Corporate Service Provider Business Amendment Act 2017 has been reported to the House.

Are there any objections?  
There appear to be none. The Bill is approved.

[Gavel]

**The Deputy Speaker:** Order No. 2, has that been carried over?

**An Hon. Member:** Yes.

[Inaudible interjection]

**The Deputy Speaker:** Two, three and four have been carried over.

Order No. 5 in the name of the Honourable Member Commissioning.

**Hon. Michael J. Scott:** He will be right here, Mr. Deputy Speaker.

**An Hon. Member:** He is not here.

[Crosstalk]

**The Deputy Speaker:** Just one second, we will give the Honourable Member a chance. He is probably in the boys' room.

[Inaudible interjection]

**The Deputy Speaker:** Yes, he has just returned.  
Mr. Commissioning, you have the floor.

## MOTION

## JOINT SELECT COMMITTEE TO INVESTIGATE, REPORT AND MAKE RECOMMENDATIONS ON THE IMPLEMENTATION OF A LIVING WAGE

**Mr. Rolfe Commissiong:** Thank you, Mr. [Deputy] Speaker, for your indulgence here. I am just trying to get myself together.

Mr. [Deputy] Speaker, on the 15<sup>th</sup> of September 2017, I gave notice that, at the next day of meeting, I proposed to move the following motion:

“WHEREAS it is acknowledged that the increasing maldistribution of national income has facilitated the growth of income inequality and thus incipient poverty to levels not witnessed in over seven decades [in Bermuda];

“AND WHEREAS, in addition, due to the near widespread utilisation of foreign sourced low cost labour over the last quarter century, wages in real terms once inflation has been factored in; have declined for many of Bermuda’s workers;

“BE IT RESOLVED, pursuant to the Parliament Act 1957 part IV, that a Joint Select Committee be appointed to investigate, report on its subsequent findings; and to make recommendations to the House of Assembly with respect to the implementation of a living wage regime for Bermuda.”

Mr. [Deputy] Speaker, thus we are here today in this hallowed Chamber of a House of Assembly in order to move the motion as articulated.

Mr. [Deputy] Speaker, allow me to share with the Members the following quote: “We can have democracy in this country, or we can have great wealth concentrated in the hands of a few, but we can’t have both.” Those words are from Louis D. Brandeis, the US Supreme Court Justice (1856–1941).

Mr. [Deputy] Speaker, one of the more positive bipartisan developments with respect the recent general election was that both parties—the One Bermuda Alliance and the Progressive Labour Party, which went on to win the election in question—affirmed their commitment, by way of their respective election platforms, to the proposition of a living wage for Bermuda. For many people, along with myself, that was an affirmation that this, indeed, was an issue whose time had come.

Mr. [Deputy] Speaker, certainly you will recall that as a Member of the previous Parliament I stood before this body and conveyed an internal report on the 19<sup>th</sup> of May 2017, as the former Chairman of the then Joint Select Committee, that the then Committee would lay its final report before the end of the summer session. However, my one regret was that our Joint Select Committee of Parliament, which was charged with laying before this Chamber that anticipated final report, found that task pre-empted by the decision of the then-Premier, the Honourable Michael Dunkley (who remains a Member of this body), to call upon the Governor to dissolve Parliament with the aim of bringing into being the recently concluded general election.

So I am here to beg the indulgence of the Members of this Parliament, and specifically this Chamber, to affirm once more your bipartisan support in order to ensure that this work is completed and that a final report can be brought before you for your due consideration in a timely fashion.

Mr. [Deputy] Speaker, I am gratified that the present Government, led by the Honourable Premier David Burt, has made the decision to honour the aforementioned platform pledge made to the Bermudian people and has given support to this renewed effort to complete the work around this critically important task of devising the most efficacious model for the implementation of a living wage for Bermuda. I also reach out my hand to the new Opposition Members and their Leader and, as noted, commend them for their support on this issue and hope that this motion can enjoy their unalloyed confidence.

Mr. [Deputy] Speaker, I wish to thank you and your Clerk, Ms. Shernette Wolffe, for your guidance in this matter. And for the benefit of the listeners out there I have been referring to the Speaker, but actually we have the [Deputy] Speaker, the Honourable Derrick Burgess in the Chair at this time.

Members, I will not belabour you with a lengthy presentation or engender a long debate. Suffice it to say that I believe that we have reached a common consensus to askew that outcome today so that we can get to the matter at hand, which is to approve the establishment of a Parliamentary Joint Select Committee so that we can complete this great and necessary work.

I am sure that you will share my view that the critical and substantive debate will come once the final report is laid before this House. Moreover, there was an extensive and rigorous debate in 2016 when a similar motion was approved by the House of Assembly.

Mr. [Deputy] Speaker, I have agreed to this approach as agreed earlier, so I will keep my comments as brief as possible. I am also refraining from diving into the weeds with respect to the whole body of information or findings culled from submissions conveyed to the former Joint Select Committee over the preceding year. I am of the opinion that the incoming Committee should weigh those findings first before they are made available to this House. Instead I will address some of the overarching structural challenges that are relevant to our understanding of this issue.

Mr. [Deputy] Speaker, anyone who knows me knows that I did not get involved in politics in order to obtain status, great wealth or power, but to get things done, both great and small, on behalf of the Bermudian people, especially on behalf of the voiceless and the powerless in our midst. After all, in a land of plenty, of one with an abundance of riches, children go hungry and too many hard-working parents struggle to survive on wages that have been stagnant or even declining for years in real terms, and increasingly wages that do not afford many even the dignity of a



decent life. Charitable need has exploded and thousands of our fellow Bermudians have migrated to the United Kingdom and beyond since the great recession, many of whom because they simply could not afford to live here any longer.

Mr. [Deputy] Speaker, I believe that this question of a living wage will not answer every need, but it will begin the process of answering the existential question of what kind of country we want to be. And for that very reason it remains for me not only an economic issue, or purely a labour versus business issue. Nor, for that matter, is it purely a political issue. It is all of that. But at heart it is also a moral issue. Note that over 90 per cent of countries have established statutory wage floors of one kind or another. In addition, many are beginning to embrace the call for a living wage even when it may not be characterised as that in terms of its nomenclature, the battle for \$15 per hour throughout the United States of America being but one example. At the other end of the spectrum, the UK has imposed a statutory wage scheme that will result in wage levels approximating living wage levels by 2020.

Mr. [Deputy] Speaker, certainly one of the defining questions of our age and particularly western political economies, in fact, revolves around the question of income inequality. But what is income inequality? Simply put, income inequality refers to a maldistribution of income as the financial gains in an economy such as ours increasingly and disproportionately accrue to an ever smaller segment of the population, usually characterised principally by the owners of capital and the professional classes.

However, we now live in a world whereby the 1 per cent of the global population has now captured more wealth than the remaining 90 per cent and extreme levels of income inequality with diminished social cohesion and even political stability.

Mr. [Deputy] Speaker, Bermuda is not immune to these trends. It is widely acknowledged that it also contributes, as in the case of Bermuda, to a slow but steady hollowing out of our middle income stratum and/or class and has concomitantly facilitated an expansion in the number of households that can be characterised as low income, and/or of households, a small but expanding number being Bermudian households, that are mired increasingly in multi-generational poverty.

As I have said before, some of the factors which have driven the growth of inequality on Island and which Bermuda has not been immune to are: the growth and mere impact of globalisation; the increasing financialisation of the economies of most so-called developed nations, including our own, over the last four decades; the decline in collective bargaining, and thus organised labour, as a countervailing power to capital; the growth of outsourcing and off-shoring; and, very relevant to Bermuda, the movement of unprecedented numbers of low-cost migrant labour be-

tween countries, across what former United States Foreign Secretary, John Kerry, described as a “borderless world.”

Some of my colleagues will speak to some of the other corrosive effects associated with widening income inequality on societies such as Bermuda. But allow me to offer an analysis that speaks to how it has driven, along with the growing adoption of low-cost, low- to medium-skilled foreign labour, an unprecedented increase in the number and the need for financial assistance for Bermudians over the preceding period as but one example.

Mr. [Deputy] Speaker, the growth of the client base at Financial Assistance over the last decade and a half can, in part, be attributed to that trend. In other words, there has been a price, largely unacknowledged, that the country has paid for this phenomenon as it relates to the growth of this sector.

Firstly, we have experienced the growth of those on the Financial Assistance roles as non-college educated, low-skilled, mostly black Bermudians that have been marginalised within our labour market.

Secondly, the outward migration of scores of Bermudians to the UK over the last decade is also, in part, a by-product of a ruinous cost of living, on the one hand, meeting low-paying jobs that cannot afford an employee a decent standard of living on the other. This has produced a continued downward pressure on wages precipitated by the wholesale adoption of foreign low-cost labour, as noted.

Thirdly, moreover the biggest price we pay for this is the millions of dollars that the Financial Assistance Department pays out every year on necessary assistance to the able-bodied and those that we categorise as low earners. Remember, the growth in both of these categories, again, over 90 per cent black clients, began during the greatest economic boom in Bermuda’s history under the previous PLP Government between 2000 and 2008/09, reinforcing the view that this is systemic and/or structural and not just the result of cyclical changes to the economy as occurs with recessions.

Mr. [Deputy] Speaker, one cannot be in denial over the fact that in Bermuda there has been unabated growth in the demand for low-cost foreign labour since the mid- to late-1980s. The reality is that this migrant labour force (most of whom are low- to medium-skilled), competes directly with non-college educated, low- to medium-skilled Bermudians within our workforce. And the most pernicious part of it is that it has had the deleterious effect of keeping wages low, as noted, and even led to their decline, once inflation is factored in, for many years of Bermudian household incomes. This as inflation soared during the self-same period.

We now live in a country where many occupational categories pay wages below the low income threshold established by our own Department of Sta-

tistics; or, to be more frank, they pay wages that keep growing numbers of employees mired in relative and, in some cases, real poverty. Is there any wonder, despite the modest decline in the numbers, that the client base of those Bermudians on Financial Assistance, as noted, has grown exponentially?

Mr. [Deputy] Speaker, how can a Bermudian electrician, for example, compete with a fully-qualified electrician from India—the best that India produces—who back home works for only about \$25.00 a week? This is not a hypothetical example, Mr. [Deputy] Speaker. The Bermudian tradesman who told me of this conversation with an Indian work colleague a few years ago is still in shock every time he recounts it—as he should be. Fifteen dollars per hour to this individual would seem like a windfall. But it would consign the Bermudian tradesman to a poverty level wage.

However, I offer a caveat to my fellow Bermudians. Let us neither denigrate nor oppress those foreign workers who, in some cases, are fleeing lives of abject deprivation, who in their endeavours here are simply trying to take care of their families back in their countries of origin. No. Let us focus on the unscrupulous Bermudian employer and/or Bermuda-based companies that indulge in these exploitative employment practices.

Let us make it clear that, to paraphrase President Franklin Delano Roosevelt: “No business which depends for its existence on paying less than living wages to its workers has any right to continue in this country. By living wages, I mean more than a bare subsistence level—I mean the wages of a decent living.”

Let us also be clear, Mr. [Deputy] Speaker, this level of exploitation will continue unless we here in this Chamber say, *Enough! No more*, and put in place the right policy and legislative prescriptions to curtail these egregious abuses.

Mr. [Deputy] Speaker, I said before in this House that when Bermuda stops working for Bermudians, then what is the point? During the period of the 1960s, the 1970s, and the 1980s those Bermudians with only a high school education, and many with even less, could enter into the workforce and go into the hotel industry or the trades, such as those associated with the growing construction sector as well, and earn a middle income standard of living. They got married, had children, and provided for their families. And even if they had to work two or three jobs, they did so with the knowledge that they were getting ahead; unlike now, where the prospect of working two or three jobs represents nothing more than an effort to keep from drowning financially for too many.

Mr. [Deputy] Speaker, my point is that Bermuda cannot just work for its college educated and/or professional classes and the owners of capital. It must also work for its masons, its labourers, its landscapers, its restaurant and hotel workers, its delivery persons, and so many others trapped in occupations that

will hardly afford them, to quote President Roosevelt again, “the wages of a decent living.”

Mr. [Deputy] Speaker, Bermuda is certainly not working for young 26-year-old Lady M. “Lady M” is not her real name. She has a precious four-year-old daughter and is a constituent of mine. Lady M works as a waitress and during a two-week period earlier this year—and I want the listeners in radio land to hear this. During a two-week period earlier this year, [she] worked for 96 hours over a two-week period as a so-called part-time waitress, and she did so without benefit of health insurance at a well-known mid-sized restaurant. I ask the Members here to consider that her hourly wage was \$7.50 per hour and she worked eight-hour shifts over a six-day week.

Mr. [Deputy] Speaker, Lady M also did so without the benefit of overtime pay. At the end of that gruelling two weeks she took home the princely sum of \$620.90, once social insurance and payroll taxes were deducted. Her gross earnings for 96 hours of unmitigated toil amounted to \$720.00. When one adds in her average tips per week of only \$130.00 to about \$140.00 per week . . . well, I challenge you to do the math. But allow me to put it this way: When it comes to her household budget the numbers never add up.

Mr. [Deputy] Speaker, I implore the Members of this House, let us work together to halt this race to the bottom that is affecting the most economically vulnerable among us—fellow Bermudians. We all know that markets left up to their own devices, or left unfettered, will surely result fairly soon in wage rates falling even further. Already I have heard of certain employers who pay their staff \$6.00 an hour. In five years’ time, Mr. [Deputy] Speaker, will the wage reach \$4.00 or \$5.00 per hour?

Let us also not forget that it was in this same Chamber two weeks ago today that the Minister of Home Affairs revealed that another employer was seeking to bring in a migrant worker—and that is the global title for those workers—under the premise that they would pay that worker \$11.00 per hour. To the Minister’s credit, he assured us that this approval was not granted. Colleagues know that by way of a full 40-hour week that worker would have earned the princely sum of \$440.00 before deductions.

Mr. [Deputy] Speaker, \$7.50 per hour is not a living wage and neither is \$11.00 and neither is \$15.00 per hour—not in Bermuda. It is a poverty level wage. Do not get me wrong, there are many excellent employers—and I mean this—some in this Chamber today on both sides of the aisle. But as long as we allow these perverse incentives that flourish unchecked while systematically placing Bermudian workers, and black Bermudian workers, in particular, without a college degree, at a distinct competitive disadvantage, it will only get worse, as it has over the last two or three decades.

Mr. [Deputy] Speaker, recent surveys over the last 18 months, including one from the *Telegraph*

newspaper in the UK, now assert that Bermuda has the highest cost of living in the world. Clearly, if some of us are not prepared to accept that dubious title we cannot ignore the fact that Bermuda's cost of living is now at least one of the highest in the known universe.

Mr. [Deputy] Speaker, I conclude by noting that the September 22<sup>nd</sup> *Royal Gazette* edition had a front page headline that read, "Bermuda has 23 per cent living in 'poverty.'" I repeat, "Bermuda has 23 per cent living in 'poverty.'" They were quoting the comments of Bermudian economist Robert Stubbs, who noted, "Bermuda's economic model and tax system is producing systemic poverty on the island." And I would add, *to an extent that we have not seen since the 1930s before the Yankee dollar bill arrived with the Great War, otherwise known as World War [I]*. It is also producing widening racial disparities as the President of the Bermuda Industrial Union outlined in a presentation at the BIU banquet in 2015. This, too, should come as no surprise. Mr. Stubbs arrived at that figure by way of the 2010 Census, and his findings were delivered at a recent lecture entitled, "Bermuda 2017: Test tube to the World." His calculation was based upon the simple measurement of how many were living below the median household income in Bermuda as per that 2010 Census.

That begs the question, What will the next census reveal in a few months? Will Mr. Stubbs, shortly after that census is published, tell us that the poverty rate by that same measurement is now at 28 per cent? Or even 30 per cent? In 2010 we were in the depths of that Great Recession. Certainly, without major job growth since that period, why would it have gotten any better? I suspect that it has gotten worse.

Mr. [Deputy] Speaker, what should we do then as more and more young Bermudians migrate to the UK, as noted, while we turn a blind eye to the exploitative practices of some employers who seemingly have devised a business plan contingent upon the payment of poverty level wages? Or do we, assembled here, do the right thing and say with one voice, *no more?*

Mr. [Deputy] Speaker, allow me to remind Members and the listening public that implementing a living wage in Bermuda, as indicated, is not the only answer in response to the structural challenges that confront us. Far from it! But it is an important and necessary part of the puzzle that we will need along with other critical structural reforms, such as tax reforms, which, combined, will reduce income inequality, arrest the concomitant erosion of our middle class, and revert the inexorable march of poverty in Bermuda.

Mr. Deputy Speaker, I will leave you with this sobering thought from a readers' survey conducted by columnist Martha Myron, featured in the September 23<sup>rd</sup> 2017 edition of the *Royal Gazette*. The headline for the column that week read, "Dealing with Ber-

muda's high cost of living." One respondent to the survey wrote the following:

"Living in Bermuda is absolutely unaffordable for the ordinary person. If we did not have decent professional jobs" . . . now I just want that to sink in, so everybody out in radio land and the Members here, she, or he, said that living in Bermuda is absolutely unaffordable for the ordinary person. This is the kicker. She (or he) went on to say, "If we did not have decent professional jobs and have help from my retired family member who lives with us, we would be forced to leave Bermuda."

When you get to a point where members of the professional class, that I talked about earlier, are saying things like that, if that is not a wake-up call for where we are at right now, then nothing is. Imagine then, this puts in greater relief what Lady M is going through with her four-year-old. I might also add she lost her fiancée who passed away due to diabetes . . . you know, only about five or six months ago.

So, Mr. [Deputy] Speaker, as I conclude here, I am grateful again for this opportunity to call for the House to sanction the formation of a new Committee. I am happy that, at least as we stand right now up to this point, we enjoyed bipartisan support. Both parties, as mentioned, are in favour of us moving in this direction. I know there will be disagreements and honest arguments about, not necessarily when, but how. I take great responsibility here that we have to make sure that we have a model that is going to be one that can achieve broad support for this proposition.

Mr. [Deputy] Speaker, the professional said, "we would be forced to leave Bermuda" *if we did not have these jobs and the help from a retired family member*, who probably has multi-generational wealth.

I will only say, in closing, [leaving] will be an option, unfortunately for us, that thousands of our fellow Bermudians, as noted, have already exercised.

Mr. [Deputy] Speaker, I humbly beseech the Members of this House to support this motion.

Thank you.

**The Deputy Speaker:** That was the Honourable Member from constituency 21.

Thank you.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Deputy Speaker:** Before we hear the next speaker, I would just like to recognise the Honourable Senator Hayward.

[Desk thumping]

[Motion: Joint Select Committee to Investigate, Report and Make Recommendations on the Implementation of a Living Wage, debate thereon continuing.]

**The Deputy Speaker:** Any further speakers?

The Opposition Leader, Ms. Pat Pamplin.

You have the floor, Ms. Pamplin.

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

Mr. Deputy Speaker, the proposition before us today is a motion requesting Parliament to agree to a resolution to appoint a Joint Select Committee to investigate, report on its subsequent findings, and to make recommendations to the House of Assembly with respect to the implementation of a living wage regime for Bermuda.

You will know, Mr. Deputy Speaker, that a similar motion was tabled before, in the prior House, and it was a motion which enjoyed bipartisan support. It is a subject for which this party has supported—the concept. It is one that you will know that as a part of the Labour Advisory Council there was a sub-committee that had been formed under the leadership of the Honourable Member who sits in the Gallery to whom you just referred, the Honourable Member who sits in another place, Mr. Jason Hayward, in terms of bringing a report, through the Labour Advisory Council, on this very same topic.

I was privileged at the time, Mr. [Deputy] Speaker, to be the Minister who commissioned that report to be done and who received the substantive part of the report that had been completed up until the time that we were no longer in the Government.

Mr. [Deputy] Speaker, I believe that the nucleus of what we require going forward would have been encapsulated in some of the recommendations that were included in that sub-committee report, and I believe it could be useful for that sub-committee report to be made available to the new Committee to which the Honourable Member is now attempting for this House to support the implementation of—

**Mr. Rolfe Commissiong:** I agree. I agree.

**Hon. Patricia J. Gordon-Pamplin:** —in order that we can reach a conclusion on this matter in an expeditious manner.

Mr. Deputy Speaker, there are times when work is done and the results thereof find their way on to some shelf. And the idea comes up again and it sounds like a wonderful, great, new idea that already has had its genesis in a significant amount of work that has already been done. So my suggestion and hope is that we not have to go back to square one, but that we utilise some of the information that has already been garnered with the massive man hours that have already been expended to deal with this issue, and then to be able to bring that along with new information that will come from the new Committee in order for this House to debate this in a fulsome manner.

Mr. [Deputy] Speaker, it is egregious to us—both as Government and now as Opposition—to know

that we had employers who engaged in unscrupulous business practices in terms of trying to circumvent the rules and the restrictions that were implemented by the Immigration Department, and to utilise those unscrupulous practices to be able to undermine the ability for Bermudians, as well as our guest workers, to be able to live in an appropriate manner based on the salaries that they were being paid.

Mr. [Deputy] Speaker, I can just make reference to one situation in which I can say the now-Minister of Immigration is not isolated in the requests that come before him and looking at documentation where you may decide that this is an inappropriate request and, therefore, could not be supported. I can just tell you, Mr. [Deputy] Speaker, of a situation in which a particular application came before me, which I looked at and declined. It was sent back by the technical people to the person making the application. And then on the appeal the individual came back and said, *The Chief Immigration Officer doesn't know what she's doing, the Permanent Secretary doesn't know what she's doing, and, more importantly, the Minister doesn't know what she's doing because this is the person that I want to hire and this is the person that I will have.*

I was able to go back to that applicant to say, *Sir, you are perfectly right that I cannot tell you who to hire. But I can tell you who you can't have and you're not having this applicant. Because what you are asking for is not just unfair, I will not stand by and allow anybody to be used so shamelessly in the workplace and consider myself to be a part of the human family. So, if you feel that this is the way you wish to operate, you are entirely on your own. But you will not do it with my blessing. You cannot have this particular individual.*

And those are the underlying challenges that we face when we talk about people being able to live and to be able to survive and to sustain themselves and their families in the manner that is appropriate in the environment in which we live. We do not profess to be a Third World country where we can look to eke out a subsistence.

*[Inaudible interjection]*

**Hon. Patricia J. Gordon-Pamplin:** I said we do *not* profess—

*[Inaudible interjection]*

**Hon. Patricia J. Gordon-Pamplin:** Okay. To be a developing nation in which . . . and I apologise. I do not mean to offend anybody. But we are not a developing nation whereby we have to look at how we can eke out a meagre existence and still force ourselves to get by in a manner which was forced on certain jurisdictions heretofore.

Bermuda went through its own challenges in that respect way back when, and we have developed and matured to an extent where, for the most part, we can manage in some way, shape or form with our own devices and with the additional support that has been offered by the Government in the various programmes.

But we heard the Minister responsible for Social Development last week indicate that it was going to be difficult to sustain the level of assistance that had heretofore been offered and, therefore, we have to start looking at different ways in order to ensure that our people are able to live in a dignified kind of way.

Mr. Deputy Speaker, let me just say that as we support the formation of this Joint Select Committee, certainly from our perspective we will offer to the Chairperson who has brought this motion, Mr. Commissioning, once the Committee has been established, our unwavering support in terms of involvement, discussion, investigation, and the reporting of information that is appropriate. It is not my intention today, nor is it the intention of my team, to belabour the challenges, because I believe they have been adequately expressed by the Honourable Member who brought the motion. I believe that it is more appropriate for us to be able to save the information that is garnered as a result of the investigation and the Committee's findings and to have a fulsome debate at that point in time. It is also my understanding that the prior Committee that was established with the blessing of this Honourable House had reached the stage of nearly being, or at the cusp of being, able to bring a report to this Honourable House.

So it is my expectation, Mr. [Deputy] Speaker, that new members of the Committee (because we do have new Members who are now in this Honourable House) will be able to bring themselves up to speed with respect to the requirements, with respect to the information that has already been investigated, with that which has already been gleaned, and will be able to compile a report to bring to this Honourable House in a reasonably short period of time. Because I believe that we recognise and understand that the matter is urgent, that we cannot rest on our laurels—for those of us who are better off than others—and to think, *I'm okay, Jack. Let's pull up the ladder.* We have to be our brothers' keeper and we have to show, Mr. Deputy Speaker, that we have the level of concern and the level of human consideration to make sure that all of us as countrymen—whether born here in Bermuda, whether transplanted from other jurisdictions as permanent residents, or whether guest workers—that we make sure that we do not exploit humankind in such a . . . and it is not just exploitative, but an unscrupulous manner.

So, Mr. [Deputy] Speaker, as we support this, I certainly hope, as I said, I do not believe that there is a necessity, and I have no doubt that other Members

may wish to speak, but I do not believe that today is necessarily the time. According to this motion this is the establishment of the Joint Select Committee. And I certainly, again, reiterate the support of our party and our team to achieve the ends that are attempting to be achieved by the Honourable Member who has brought the motion.

Thank you.

**The Deputy Speaker:** Thank you, Honourable Opposition Leader.

Again, we want to have a very limited debate. The debate has occurred already, so we are not going to be long with this.

Are there any further speakers?

We recognise the Honourable Member from constituency 36.

**Hon. Michael J. Scott:** Mr. Deputy Speaker, good afternoon, sir.

I take note of the caveat just declared by yourself, but just briefly supporting my colleague the Member piloting this particular and important motion, Mr. Deputy Speaker, as he presented what really amounts to a clarion call, the Sermon from the Mount, and he delivered it as it was a sermon with urgency and with passion.

I pick up the point that the Honourable Member from constituency 21, Mr. Commissioning, mentioned the development, a side-product or by-product of the poverty in our midst, of charitable explosions in our country. And we have watched this take place and as a concomitant reaction to the explosion of charities in our country, in our Island, our little Island, there has been an equal reaction to regulate charities. And so on one hand charity and charitable activities, Mr. Deputy Speaker, as a typical human response by our Bermudians and fellow Bermudians, from small charities, like the Orchid Club, trying to deal with this question of reducing immigration or just helping Bermudians get by. We have over-regulation and the situation has become untenable, as has been indicated by Mr. Commissioning.

The issue of club hands has also been attacked and the helping practice of club hands has been regulated and soon probably will be because of matters presented by the Minister of Finance this morning (not to reflect) because of FATF and money laundering regulation, even saving efforts in club hands is being barriered in our Island. So I am merely underscoring in this debate and in this motion the urgency of this need for an adequate response.

You know of the presence of foreign, cheap labour in our country. It has become cheap labour because of the arguments made in this very motion that result in \$6.00 an hour wages and \$7.00 an hour wages amount to princely sums for many foreign migrant labourers in our midst. It also drives remittances. Remittances are a critical part of the majority, I would

say, of our foreign labourers. Remittances are taking place at a major pace and so with remittances there is, driven by it, the need and the absolute reaction by foreign migrant labourers to live off of fishing in our country so that their remittances are higher and get fully sent over to their families in their respective countries.

And rents are contributory rents, they are not full rents being paid into our economy, they are rents contributed by a migrant labourer living in a unit or in a room where they are contributing to the rent there. They are not spending in our economy in the measures and levels that they would otherwise do, or they are living on hospitality properties with reduced rents. And so the arguments that we need to have foreign workers in our country to occupy our homes and to boost our economy by and through rents and the spending in our supermarkets and the spending across all of our economy by our foreign guest workers is not occurring. So this is a deleterious outcome connected with low wages—poverty wages—and this motion will address this at the same time of lifting into dignity of earnings . . . native Bermudians, something that we have got accustomed to.

But my research tells me that it was in the 1970s that the cost of living began to be spiked in our country—spiked upwards—and there has been no let-up ever since. And it has produced a catastrophe, literally a catastrophe (or a *ca-tas-troff*, as the French put it), in our midst, a catastrophe of emigration, a catastrophe of Bermudians being and feeling under siege in income, in housing, in education. And these were the indicia identified by Professor Newman many years ago, looking at it happening in the 1990s. Professor Newman examined this peculiar and particular worrisome development in our midst in 1994 and wrote a report on it.

But when I last referred to the Newman analyses in a meeting of our group, the Member piloting this particular motion, Mr. Commissioning, reminded me that in 1994 the Professor Newman analyses that was being directed, Mr. Deputy Speaker, to just Pembroke East—just there, across the way, in our suburb—has spread exponentially across Sandys North, Sandys South, down to St. David's, where the Honourable Members Ms. Foggo, Mrs. Ming, and Mr. Swan are holding up their representation.

And it is equally concerning that the 1994 presence of low income, low education, low housing occurrences in these communities are having an impact on our kids, are having a negative impact on their outcomes, are driving more children into the criminal justice system. It is causing all of the concerns that have become the everyday concerns of this House—whether it is gang management, whether it is inter-generational traumas of our kids.

And so I stand merely to support and underscore the urgency of this present problem of a liveable wage, and I commend Mr. Commissioning for reviving it,

inviting the support of the whole House for it, and I certainly look forward to its being progressed, Mr. [Deputy] Speaker, to the point of adoption and then being actioned into real legislation that creates solutions.

Mr. [Deputy] Speaker, I mentioned the sprawl that is occurring, the negative sprawl that is occurring on this critical problem and how, when we address it, we should hope to see better outcomes and the return of our capital—both intellectual and in the form of our human capital—back into contributing to the success of making Bermuda a better, fairer place for all of us. And so I thank you, Honourable Member, Mr. Commissioning, for the revival of this important initiative and I too, like Members who have already spoken on this matter across the House, look forward to the progress of this motion into its full implementation.

Thank you.

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

**The Speaker:** Thank you.

Does any other Member wish to speak?

We recognise the Member from constituency 22, the Honourable Dr. Grant Gibbons.

Dr. Gibbons, you have the floor.

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

Mr. Speaker, I am taking note of the fact that we are being asked to be relatively brief in terms of our comments this afternoon because there will be a report of the Committee at a certain point in the not too distant future.

Let me just reiterate quickly that, as my honourable colleague Pat Gordon-Pamplin said, we are certainly in support of the notion to set up a Joint Select Committee to look at the implementation of a living wage. I certainly do not have a problem with that. I would like to make a couple of observations, though.

My understanding is that in the previous Parliament report, or maybe a draft report had actually been done . . . I have not seen that report and I do not know how many people actually have, but I think it is going to be important to make sure that it is carefully looked at with some of the information that, perhaps, was not available to the last Committee.

And one of the things that I will start with right off the bat is that at this point we have not yet seen the results of the recent census. My understanding is that those results will be available sometime in October. But I think that it is going to be very important that this information be used to essentially educate or, perhaps, provide up-to-date information that could be very useful because the previous census goes back to 2010. And I think some Honourable Members will know that the 2010 Census was somewhat flawed because of the difficulty in getting a reasonable proportion of responses.

But I think it is interesting because that census actually . . . and I had a quick look at some of the information (and I am not going to get into detail). But even between 2000 and 2010 there was significant movement in terms of, what I will call, annual household income. For example, in 2010 those households earning under \$36,000 actually had halved from 2000. And in a sense, if the former Government—not the former Government, the former, former Government—wants to take credit for that I think, perhaps, they should as well.

I think the other thing I want to touch on is there was a fair amount of work done by the Department of Statistics back in around 2008. And some Honourable Members will be aware, others will not, that the Premier of the time, Dr. Brown, actually commissioned a council on economic advisors. And one of the reports that they were asked to look at was a report that was done by the Department of Statistics called “Low Income [Thresholds].” And the point I am going to make here is that I think the stats department was rather pointed in terms of looking at it on a household basis as opposed to simply the issue of a wage basis because . . . and again, I have not seen the report of the Committee that was struck before and that worked on this. But I think the household basis is an important way to look at this. And if the Committee did not have a look at this report, I would suggest that the new Committee do so.

Now, I think the sad thing is that the Council of Economic Advisors met, I think twice, had the report given to them and nothing much happened after 2008. But there are a couple of things in here which I found very interesting and, perhaps, are cogent in terms of the current consideration of this issue of a minimum wage.

The first was a quote, with your permission, Mr. Speaker, which came—and this is in the 2008 Report from stats—it came from the Chief Statistician of Statistics Canada who essentially said that “Poverty is a very difficult concept to define and measure.” His quote was that: “Poverty is intrinsically a question of social consensus at a given time and in the context of a given country.” And I think that is really important in terms of making sure that we do not simply adopt all of what other countries may or may not be doing with respect to one part of this, which is a minimum wage. And I am not suggesting that a minimum wage is not something that we should not adopt; but I think we should be aware of that in the context of Bermuda, our own economy, and our own consensus here.

The Report was also interesting in the sense that it went on to say in the conclusion, with your permission, Mr. Speaker, “In an affluent society such as Bermuda, it is very difficult to distinguish between those who are in need and those who are simply less well-off. However, the results of this study not only confirm that there are households in need but also

provide the empirical data on the number and the type of households with low incomes.”

It goes on to say: “The results deserve much thought and policy attention. Among the selected household types for this study, single adult, single-parent households with children, and two-parent households with children are the household types most vulnerable, with income levels falling consistently below the threshold levels for each method.” They had a number of methods they looked at in terms of looking at issues of poverty.

It said: “Those households with children aged 16 years and younger increase the cost of essentials for a family and therefore the burden of provision is heavier. Further investigation will be carried out to identify the extent of low income level incidences for larger family household types with more than two children.”

I do not know whether the stats department did any further work on it, but I think it is important not to lose some of the work that they did and to look at some of their conclusions and, in fact, if it has not happened already I would certainly suggest that Government look at asking the stats department to update their “Low Income Thresholds” report from 2008 to the current time, looking at some of the current census data.

Now, one of the other things that I think is worth pointing out is that in these things there is often what is known as a law of unintended consequences. And I think I say that because we have seen examples of that before in Bermuda. And while the issue of a living wage is certainly well intentioned and I think, as I said before, we on this side think it should be carefully looked at, one has to be sure that in an economy like Bermuda it is going to work and it is going to be effective in terms of what may or may not have happened in other jurisdictions. And there is some interesting data that has come out fairly recently which, and this is the UK (and I think the Honourable Member touched on it very briefly), but an independent office there that I will refer to as the OBR (which is the Office of Budget Responsibility) in the UK. It is not a political office; it is independent, and it basically suggested that the overall impact of the living wage would actually not impact those who were poor and low-skilled. But many of those who would benefit the most would be second-earners in higher income families, whereas it went on to say many poor Britains do not work at all.

I say that because, again, I just want to reinforce this issue that simply looking at it through the lens of what is an appropriate living wage or not may not be the best way to look at it and we may actually do better by going back to what the stats department did, which was looking at the whole issue of households as opposed to single individuals and wages.

The issue of unintended consequences we have certainly seen before. The whole issue of term

limits was certainly well intentioned, but in the end what it ended up doing was essentially having lots of jobs outsourced out of Bermuda and, in fact, it made many of the entry level jobs simply disappear. Although, obviously, the issue of term limits was certainly by a former, former Government well intentioned and was put in to help Bermudians. But in point of fact, because of our very mobile economy and the fact that a lot of businesses that we have do not actually have to be here, it had an impact that certainly was way beyond what was intended.

I think the other thing (and again, I said I had a number of observations that are important here) is looking at where the impact will fall. And I think it does not take much consideration to know that it is probably not going to impact international business in any kind of direct way. I think most of those salaries from top to bottom are well above what would be considered to be a living wage. But it is going to impact areas like tourism, particularly hotels. And I think most of us understand, Mr. Speaker, that hotels in Bermuda have been subsidised—some would say heavily subsidised. And one of the largest components of their general G&A expenses [general and administrative expenses], their COLA [cost of living adjustment], or their cost of doing business is certainly labour.

So, I hope that the Committee going forward will certainly take some time to talk to hotel operators and have a look at what the impact could conceivably be on them. Simply putting up a living wage may not discourage foreign workers—because we seem to be spending some time talking about the impact to foreign workers—it may also have the impact of essentially making hotels very difficult to function here. Other services, certainly, horticultural services, cleaning, restaurants, and that sort of thing.

One of the things that the Honourable Member who introduced the motion has commented upon before, and I think this is also really important, particularly in terms of Bermuda, is . . . and this is, again, be careful of unintended consequences and be careful what you wish for. And I will give you an example. Those who have been in New York recently and have been in a CVS will know that they have done away with a lot of the cashiers or checkout counters. And what you are finding now with improved software and, dare I say, artificial intelligence is a lot of customers now are simply checking themselves out. And as we all know in Bermuda cashiering is a job that provides income for a lot of families. But when you start to essentially make it more advantageous to essentially invest in capital or software and things of that sort [to] reduce labour, what you end up with is job loss. And I think that is certainly something that has happened here.

We have also seen, obviously in this economy, and it happened in the late 1990s and early 2000s, a real shift from what I would call blue-collar jobs to more white-collar service [and] professional

jobs as well. And I think one of the things that you have already seen in Bermuda to some degree is . . . because of the cost of labour here you have seen a certain amount of back office that has been outsourced. And you have seen it in IT, you have seen it in the banks, and you have seen it in a number of areas where those jobs simply are no longer here. They have gone to other countries. India is a prime example. But we have also seen a number of jobs where companies here have put that back office in Canada as opposed to having it in Bermuda because the cost and the availability of labour is that much higher.

So, I think it is important for the Committee to look at this issue of potential outsourcing, the smallness of our economy, and to make sure that those unintended consequences do not come about simply as a consequence of a well-intentioned effort. So those are some of the things that I wanted to observe, Mr. Speaker.

I also had a little bit of an issue with the way the motion was written. I am not sure I would agree that “it is acknowledged that increasing maldistribution of national income has facilitated the growth of income inequality.” We have not seen any data on that. Or that poverty levels have risen . . . fallen to levels not seen in seven decades. We had quite a few issues, I think, during the Second World War that effectively made it very, very difficult in Bermuda at the time. And I think simply to make assertions of this sort without any evidence to support them is certainly not something that I would be prepared to put my name to.

But as I said, I certainly do not disagree with the need to have a good look at this. But I hope it will be looked at in the context of some of the issues and some of the more recent data that has come out, particularly the census, because I think that it is going to be important that we use up-to-date data and that we look at it in a slightly broader way, not simply whether we should choose a minimum wage . . . not a minimum wage, but whether we should choose a living wage; but look at it on the basis of household income and what would be an appropriate way to measure how much a living wage is required. I think it is a broader issue as opposed to simply looking at a silver bullet which, as we all know, sometimes turn into lead balloons.

So, Mr. Speaker, with those comments, I appreciate the opportunity to make a contribution.

Thank you.

**The Speaker:** Thank you.

Does any other Member wish to speak?

We recognise the Member from constituency 2, the Honourable Kim Swan.

Honourable Member, you have the floor.

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

Just to add my voice to this motion moved by the Honourable R. P. Commissioning:



“WHEREAS it is acknowledged that the increasing maldistribution of national income has facilitated the growth of income inequality and thus incipient poverty to levels not witnessed in over seven decades;

“AND WHEREAS, in addition, due to the near widespread utilisation of foreign sourced low cost labour over the last quarter century, wages in real terms once inflation has been factored in; have declined for many of Bermuda’s workers;

“BE IT RESOLVED, pursuant to the Parliament Act” (of the great year of) “1957 part IV, that a Joint Select Committee be appointed to investigate, report on its subsequent findings; and to make recommendations to the House of Assembly . . .”

Mr. Speaker, let me say that income inequality in Bermuda is very real, and I want to commend the Honourable Member for his stick-to-it-iveness to make sure that this is being followed through.

And, Mr. Speaker, I look forward to assisting, participating, contributing going forward as this particular issue impacts many, many thousands of people in this country in many complex ways. And the knock-on effect of what living beneath what one needs to live is far-reaching, and we have it taking place in this country—this country of plenty, this country of affluence, and this country when we go overseas and represent Bermuda.

When we go overseas and represent Bermuda we are proud of many things about Bermuda, but the underbelly that is masked is that great inequality exists in Bermuda. And great inequality exists because the economy that we are operating under is allowing Bermudians, and especially black Bermudians, to find ourselves at the lower end of the economic spectrum, and we must address that.

This motion gives us cause . . . whilst narrowing it down to a living wage, it does not preclude us from looking in a far more reaching way at some of the other knock-on effects that I think other Members have alluded to in supporting this motion, as I do.

In looking just a few minutes ago . . . and if one would just Google “Bermuda cost of living,” *Bermuda Online*, produced by Mr. Keith Forbes, outlines in great detail many areas in which Bermuda does have a high cost of living, Mr. Speaker. The article that some would refer to was in *The Independent* UK newspaper. He actually lists right up front when you talk about Bermuda’s cost of living and how we are listed first amongst many noteworthy countries as having a high cost of living. And those who are greatest impacted by that, unfortunately, are we the Bermudian people. And I think it is incumbent upon us to grapple with this problem.

The presenting Member of Parliament for this [motion] touched on matters and has done so in the past about the cost of food in the country, the cost of healthcare in the country, and for many people the absence of healthcare in our country. There are per-

sons who approach the age of 65 still healthy and still very much vibrant who need to work just to be able to pay that health insurance bill that is ever escalating, with the fear that this, indeed, could be the undoing of any savings that they have.

And so the living wage brings under the microscope persons, and many in Bermuda, of an increasing population by age that the census—which has been delayed—will reveal. The many vulnerable in Bermuda, in a buoyant economy, Bermudians who still did not escape being in the category of poor or near poor, whether or not you would choose to look at those persons individually or collectively in a household. We have seen a great exodus of Bermudians and we do not want that for our people. We want our people to look at Bermuda as the place that they can return once they have been educated, or stay even when times are tough.

And so the challenge that we have is a great one to tackle, but with motions such as this coming by the Honourable Member Commissioning, I just want him to know that I will do my part as I am out and about in the community talking to people, listening to people who have lived without health insurance for many years in this country, who cannot afford that, with people who in great numbers you hear the stories that are working for wages well below what it takes, are working and hustling 50 and 60 hours and not getting overtime and the like.

I would encourage those people to not be afraid to collectively come together and even seek the assistance of professionals like the Bermuda Industrial Union in this country. And that would help them, as it helped this country, grow to greater strengths. Even those persons who were not unionised reaped the benefits of organised labour in our country.

So, I wish not to speak too much longer, Mr. Speaker—

**The Speaker:** Thank you.

**Mr. Hubert (Kim) E. Swan:** —only to lend my support.

Thank you.

**The Speaker:** Any other further speakers?

Mr. Premier.

**Hon. E. David Burt:** Thank you, Mr. Speaker, and good afternoon to you.

Mr. Speaker, I would like to rise ever so briefly to speak to first of all commend the Honourable Member from constituency 21 for not only bringing this motion in a previous Parliament and managing to pass it successfully while we were in Opposition, but also agreeing to bring this motion again to complete the work which was started in the last Parliament.

It is without question that his passion on this issue is well regarded, and it is something that, clear-

ly, we must deal with. And the issue of income inequality and wages and poverty were no clearer on display than when we heard a Ministerial Statement from the Minister of Education this morning speaking about the work that this Government has done to recognise that there are barriers to higher educational attainment and that we have to provide financial support for those persons recognising that a vast majority of those persons who were able to receive that [support] lived below the poverty line.

Now, some of those persons may have been unemployed, but some of those persons also, Mr. Speaker, may have been working. And therein lies the challenge. The challenge is that when you talk about a living wage and you talk about a society, when you have persons who are deemed as responsible people who are working in full-time employment who cannot afford to keep up with the basic necessities of life due to the high cost of living which we have in Bermuda, that is a problem. Income inequality leads to reduced economic growth. That is a problem.

So when we hear the, I will call them *old* discussions, the *old* theories, the things about the past and not looking forward to the future, what we will hear . . . it puts us in a place where we have to imagine and wonder. If you keep on doing the same thing which you have been doing, how exactly do you expect to get a different result?

That is the reason, Mr. Speaker, why we are here. And what we said inside of our Throne Speech this year, what we said inside of our platform this year, is that we would implement a living wage. Our Throne Speech was very clear that we would support the reformation of this Committee so they can finish their work, complete their consultation, make their recommendations, and that Cabinet can move forward and this Government can move forward to implement a living wage. That is what the people of this country expect, that is what the people of this country demand, that is what the people of this country voted for on July 18<sup>th</sup> and that, Mr. Speaker, is what this Government will deliver for the people of this country.

I commend the Member and I hope that the House will support this motion.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Premier.

I do not see any other Members standing to speak on this matter, so I am assuming this matter is closed.

*[Inaudible interjection]*

**The Speaker:** We will now go to vote on this matter.

Mr. Commissiong, would you like to put your motion to the floor now?

**Mr. Rolfe Commissiong:** Yes, Mr. Speaker, I would.

**The Speaker:** Move your motion.

**Mr. Rolfe Commissiong:** Mr. Speaker, I move that this Honourable House approve the following motion:

“WHEREAS it is acknowledged that the increasing maldistribution of national income has facilitated the growth of income inequality and thus incipient poverty to levels not witnessed in over seven decades;

“AND WHEREAS, in addition, due to the near widespread utilisation of foreign sourced low cost labour over the last quarter century, wages in real terms once inflation has been factored in; have declined for many of Bermuda’s workers;

“BE IT RESOLVED, pursuant to the Parliament Act 1957 part IV, that a Joint Select Committee be appointed to investigate, report on its subsequent findings; and to make recommendations to the House of Assembly with respect to the implementation of a living wage regime for Bermuda.”

**The Speaker:** Are there any objections to this motion?

No objections.

It is passed.

*[Motion for a Joint Select Committee to Investigate, Report and Make Recommendations on the Implementation of a Living Wage was approved.]*

*[Desk thumping]*

**The Speaker:** It is the third readings. There are no other Orders of the Day so we will now do the third readings.

The only matter would be that of the Premier, and could we have the third reading for his item?

The Corporate Service Provider Business Amendment Act 2017, will one of the Ministers please stand in for him?

Yes, Minister of Health?

#### **SUSPENSION OF STANDING ORDER 21**

**Hon. Kim N. Wilson:** Yes, thank you and good afternoon, Mr. Speaker.

I move that [Standing Order 21] be suspended that the Bill entitled the Corporate Service Provider Business Amendment Act 2017 be now read a third time.

**The Speaker:** Any objections to that?

No objections.

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

#### **BILL**

## THIRD READING

### CORPORATE SERVICE PROVIDER BUSINESS AMENDMENT ACT 2017

**Hon. Kim N. Wilson:** Mr. Speaker, I now move that the said Bill do now pass.

**The Speaker:** Any objections?  
No objections.

*[Motion carried: The Corporate Service Provider Business Amendment Act 2017 was read a third time and passed.]*

**The Speaker:** Mr. Premier, I now acknowledge you.

## ADJOURNMENT

**Hon. E. David Burt:** Thank you, Mr. Speaker, I apologise for my absence.

Mr. Speaker, I move that the House do now adjourn until our next day of sitting, which will be Friday, October 6, 2017.

**The Speaker:** All right. Any Member wish to speak?  
We see the Honourable Member from constituency 6.  
Honourable Member, Mr. Furbert.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.  
Mr. Speaker, I will be just brief. I would like to—

**The Speaker:** I will hold you to that then, how is that?

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Yes, how much? Twenty minutes? All right. I will not be more than whatever minutes.

**The Speaker:** Five minutes?

### BERMUDA ECONOMIC DEVELOPMENT CORPORATION LOAN GUARANTEE PROGRAMME

**Hon. Wayne L. Furbert:** I will be very brief, Mr. Speaker.

Mr. Speaker, I would like to congratulate the Government for moving ahead with one of its promises, that is, the Bermuda Economic Development Corporation [BEDC] and increasing the capital. I see Cabinet has now moved forward to increase that amount from \$1 million to \$2 million. And it is very important, particularly when we are trying to encourage entrepreneurs in the fields and whatever it takes to make it

happen. And it is very difficult if you have very little access to capital to make it happen.

The last increase that was done in this Parliament, as a matter of fact, it was done by yours truly when I was the Minister of Culture in 1993. It has been a long time, and you know it is surprising that it has taken this long to increase it, but I congratulate this Government for doing that.

But let me just say that increasing the capital by the BEDC are now allowing to lend out . . . guarantee, I should say, guarantee more than it has in the past, does not put cash injection into the hands of small business. And I will give you an example, Mr. Speaker.

If a small company or small businessman wants to start a company with \$100,000 in capital they can only, based on this scenario, borrow \$50,000 (because it is 50 per cent right now). . . guarantee . . . sorry, guarantee \$50,000 by the BEDC. And they themselves still have to come up with \$50,000. That is not an easy task for any small business individual.

There are many aspects that one needs to look at, and I would encourage some more entrepreneurs not to run out there and fill their coffers with debt, but look at the possibility of doing equity and debt. And that is possible. Now what I mean by that is taking on some other shareholders with small amounts of equity being owned by them. The biggest problem is that banks (and I saw it in the report by the Minister) are still not lending out money. That is the real problem. It is not about increasing the capital, and I think that is great.

But now we are still having problems because what they put . . . and you know if you go borrow money from the bank not only do you have to guarantee it, but your grandmother and your grandfather who are dead. And that is difficult. It is very difficult. Most banks are not lending out to small businesses as they have in the past. So, there are many means that I think the Government needs to take a further look at and I will give you one example.

The Bermuda Economic Development Corporation should be the one stop for lending out and guaranteeing entrepreneur businesses out here. And why do I say that? Because the Bermuda Tourism Authority should get out of the business of doing it. They lend . . . they have a \$1 million . . . where they can give grants to individuals. Why is the Bermuda Tourism Authority involved in giving out funding? It was a bad decision, and I hope that the Government will take a look at that and make sure that it is not in keeping going forward—a million dollars.

The only body that should be giving out money should be the Bermuda Economic Development Corporation. Now, if the Bermuda Tourism Authority feels that there is a product out there, Mr. Smith and Mrs. Trott, go up there to say to them, *I want to put this attraction in place, I want to put this new product in place*, and the BTA should be able to walk them

through and say to BEDC, *I support the project*. Give that million dollars to the Bermuda Economic Development Corporation.

Now what you have is the ability for the Bermuda Economic Development Corporation to guarantee up to 50 per cent . . . and I see the Government is going to be eventually . . . hopefully up to 65 per cent, and I think that is great. But then BEDC has some cash that they can also give, maybe \$50,000 which was not there before.

So we should not be . . . and then we can save some money and BEDC . . . BTA . . . and all these different letters around here, the BTA . . . because we are spending probably within just that one department who is out there lending out money, probably \$400,000 or more a year. That money should be going out there to market and bring in tourists.

So, let us remove that facility from the BTA and allow the BEDC [to be] what it was meant to be—a corporate entity to allow entrepreneurs to get access to [money] guaranteed by an organisation. There is no reason why the BTA should be out there lending out money. And I understand the money they give out does not even have to come back. So why can we not have that funding at BEDC—a million dollars—so they can then give out a couple of dollars and help out new entrepreneurs going forward?

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker, I promise the next [Member that speaks] that I am going to put a sign up here that says “Don’t forget July 18<sup>th</sup>” because they keep on forgetting it. They keep on forgetting it.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Mr. Speaker—

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** I will, Mr. Speaker. The Honourable Member Trevor Moniz . . . in case the public is wondering who I am talking to, and the Honourable Member Grant Gibbons.

**The Speaker:** Speak to the Speaker now.

**Hon. Wayne L. Furbert:** Who speaks—

**The Speaker:** Direct it to my Chair.

**Hon. Wayne L. Furbert:** —who does not have to worry about going to the BEDC to get any funding for any guarantees.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** So, Mr. Speaker, if we are going to help . . . if we are going to work with small businesses I believe that we have to ensure that one body—which is the BEDC—speaks for it. So, again, I congratulate the Government on this promise, one of the 108 promises, and I think there are probably 75 there, so I think that the Government is moving ahead very quickly to make it happen.

So between the guarantor from the BEDC . . . so if we get some funding put in place by taking that money from the BTA and with a structure put in place where equity and debt can work, I think the company and the entrepreneur can make some headway going forward.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Furbert.

I recognise the Honourable Member, Mr. Moniz, from constituency 9.

Mr. Moniz, you have the floor.

#### **STATUS OF CIVIL LAWSUITS FILED BY ONE BERMUDA ALLIANCE AGAINST LAHEY CLINIC AND PORT ROYAL GOLF COURSE**

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

I apologise to my honourable colleague, Dr. Gibbons. I know he wanted to have a piece of the Member there, but I want to change this conversation.

**The Speaker:** I hope he would not want a piece; I hope he wanted to contribute to the debate.

**Hon. Trevor G. Moniz:** Contribute to the debate, yes.

**The Speaker:** Thank you.

**Hon. Trevor G. Moniz:** Take him to the woodshed, as it were.

Mr. Speaker, I want to change the conversation here, and it is really as a result of something that came up earlier. You know it has been . . . and the Honourable Member who just spoke, spoke about July the 18<sup>th</sup> and how that was a watershed, et cetera. But of course that was a watershed in many ways. And the jury has been out, and I know the Government talked about their 100 days, what they are going to accomplish in their 100 days, and so people are still very curious about what is going on.

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** And largely what is happening so far—

**The Speaker:** Speak to the Chair.

**Hon. Trevor G. Moniz:** Largely, what is happening so far is [that] OBA measures are being carried through.

There is a little bit of the new PLP platform, we see the Tax Reform Commission, et cetera, Bills being tabled today, but most of the Bills that are coming are still OBA Bills.

Mr. Speaker, what I want to speak about today is really to encourage the new Premier—and I know he is a very young Premier, I think he is the youngest we have ever had—to take a firm position on improprieties of past governments; and that speaks both to general corruption and to other malfeasance in government.

As you will be aware, there were two civil cases started by myself when I was Attorney General; one involving the Lahey [Clinic] (which is taking place in Boston), and the other one involving Port Royal. Now, those two cases. . . my recollection . . . and I am sure the Premier will correct me if he thinks I am wrong, but when he was asked generally about these issues, he referred the matter to the new Attorney General. And the new Attorney General called a press conference and really did not shed any light on either matter.

In one case she said that there were not paper files in the office and, of course, that case is being run out of Boston so the files are there in Boston and it is being run electronically. And the other case is a Bermuda case, the Port Royal case.

And they are both very concerning. The Lahey case, obviously, concerned activities by a previous—

**Hon. Michael J. Scott:** Mr. Speaker, point of order.

**The Speaker:** Point of order.

Mr. Moniz, we must entertain this point of order.

Your point of order?

#### POINT OF ORDER

[Sub-judice]

**Hon. Michael J. Scott:** Thank you, Mr. Speaker.

I am not making the *sub judice* point in relation to Boston, we have had it clearly indicated that overseas matters are not *sub judice*, but if the Honourable and Learned Member and former Attorney General is going to be making a speech in this House at MTA [motion to adjourn] on Port Royal, matters that have been committed to the courts, he is breaching the fundamental standing order and I would invite him to tread . . . or just cease, really.

Thanks.

**The Speaker:** One second.

**Hon. Trevor G. Moniz:** Mr. Speaker—

**The Speaker:** Is the matter still before the courts or has it been settled? Is there a current matter before the courts? Is there a current matter before the courts?

**Hon. Michael J. Scott:** It is not only before the courts, it has been taken out of the list, but it is very much a matter that has been filed in the Supreme Court of this country by the [Member].

Thank you, Mr. Speaker.

**The Speaker:** Honourable Member, I am a little concerned about that because from what I understood it is not a current listing before the courts at the moment. And if it is not a current listing before the courts, then I do not see it as being *sub judice* at this time.

**Hon. Michael J. Scott:** Mr. Speaker, I see the former Attorney General looking at me.

You can . . . it is filed. That is the rule. The fact that it is taken out of the list so that it is going to be not listed for hearing is just a procedural matter. It is under the judicial consideration, simply out of the list for being heard. So may I invite you, Mr. Speaker, to trust my legal view on this, that it is *sub judice* in that it is in the courts, it is simply taken off the list so that the current Attorney General is examining it, re-viewing it, with the view to whether it should be either reintroduced into the list or altogether withdrawn. But it has not been withdrawn. De-listed is the current status. That is my understanding.

**The Speaker:** I am still a little uneasy and here is what I am going to do. I am going to ask the Honourable Member to be guided by that until we can get a proper clearance on it because I feel that if it was actually still listed you would not be speaking to it. But I am not clear on that point, and until we get clear on it, we will ask you to just be guided by that.

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

I accept that ruling by you and I think it will . . . I think the general members of the public are probably interested to know whether it is in a temporary limbo or it is in a more permanent state. So, I guess at some stage we can expect the Attorney General to make a more definitive statement on what the position is in that respect. So, I will decline to speak any further on that detailed matter.

But the point I have to make is really a much broader point and the point is, you know, we have a new Government coming in, we have outstanding matters, we are dealing, obviously, with an OECD assessment, we are dealing with a FATF (Financial Action Task Force) assessment—these are all related to AML [Anti-Money Laundering] and ATF [Anti-Terrorist Financing] and our position as a jurisdiction. We heard the Premier give a grand statement about Bermuda

being on the White List in France so, obviously, we are doing our best efforts to keep above board.

So the point I am making is that this new Government should be making a firm and very public commitment to keeping the highest standards and to ensuring the prosecution of . . . in civil cases and in any criminal case . . . a criminal case is obviously an independent DPP [Department of Public Prosecutions], it is Larry Mussenden who governs those. But, of course, the Government provides the budget that he would need in order to proceed with cases.

So what I am saying is that the Premier . . . it is time for him to make a firm and public commitment to proceeding with those matters. If we see matters where the advice has been received, and certainly when I was Attorney General I followed the professional advice that I received from the best lawyers and solicitors that I could find and the best QCs I could find. I got advice and I followed that advice. Now that advice is there. I think the people of Bermuda expect this Government to follow through with it. Otherwise Bermuda as a jurisdiction will suffer.

We heard today in the Minister's brief (and I will reflect ever so quickly) . . . we talked about Bermuda having a legislative framework. But they did not see the implementation. Where the rubber meets the road, nothing was happening. And my concern is that Bermuda's credibility as a jurisdiction will be swiftly eroded, and even corroded, if those cases are not followed with and if a statement is not made that this present Government has a firm commitment. It is very difficult when, you know, one of the cases involves a present Member of Cabinet.

So these things are discussed in Cabinet. So the public is thinking, *Well, is that sending a signal that this person is in Cabinet who is up . . . ?* So I think the air needs to be cleared. And it needs to be cleared at the highest level by the person who appoints Cabinet and by the Attorney General who proceeds with the civil cases and funds the criminal ones.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak on motion to adjourn?

We recognise the Member from constituency 28, the Member D. Lister and I believe this is your maiden speech.

**Mr. Dennis Lister III:** Yes, it is, Mr. Speaker.

**The Speaker:** Mr. Lister, you have the floor.

#### MAIDEN SPEECH

**Mr. Dennis Lister III:** Good evening, Mr. Speaker. Good evening to my honourable colleagues, fellow Opposition, to those in the Gallery, and the listening audience.

I stand today to speak on purpose. As a young person I feel that it is my duty to speak not only to the House but also to the young people in Bermuda.

In our Throne Speech and in our platform the PLP has said that we will look to fix the education system and also to give local Bermudians opportunities for better education and better training. I believe also to that we have to speak to teaching and getting people to reach their purpose.

I have here the definition from the dictionary of what a "purpose" is. The definition of a purpose is: The reason for which something is done or created or for which something exists. If you know what your purpose is, then you will know what you are born for and what you were made to do.

I believe that young people must be given the opportunity to find their purpose and pursue this. So the young people with education, if you are taught from young or given the opportunity to get the best education, you will be able to then have more opportunities to reach your purpose and to pursue it to the ultimate ends.

Not everyone will be a doctor, a lawyer, an accountant or an insurance agent. There will be mechanics; there will be masons, artists, tradesmen, athletes, and more. Everyone must be given the opportunity to reach their goal.

Today's school system is geared towards the academics. So those that are academically inclined will always have a better chance to succeed at school and to go on to higher education or whatever else they pursue in life. For those that are not academically inclined, that is where the challenge lies. And that challenge has a knock-on effect in society and what we see today with a lot of antisocial behaviour, a lot of negative that young people get caught up in. If a young person in school knows that they can be, whether it is a hands-on or skills person or an athlete, or they can do the arts or dance, which is their talent or is what they want to do and pursue, then they will see that [as something] to keep them away from any negative influences in life.

I want to use the story of a well-known Bermudian, Nikki Bascome. Mr. Speaker, can I—

**The Speaker:** Yes.

**Mr. Dennis Lister III:** —refer to the newsletter or the news article—

*[Inaudible interjection]*

**The Speaker:** Yes, speaker, Honourable Member, you can refer to it.

**Mr. Dennis Lister III:** Okay.

I want to refer to the August 15<sup>th</sup> article in the *Royal Gazette* about Nikki Bascome in which says:

"In the absence of a stable family environment, Bascome found himself lured into a life on the streets; fighting, stealing and doing drugs.

"A quick-tempered and disruptive pupil, Bascome was kicked out of Spice Valley Middle School and CedarBridge Academy because of his poor behaviour, although he did eventually earn his General Education Diploma from The Education Centre [Tech].

"It was not until he turned to boxing at the age of 14 that he slowly started to divert his energy from the streets to the ring."

Mr. Speaker, this speaks to finding your purpose. His purpose, after he was introduced to boxing, he saw that he could use boxing as his way to be a positive role model or to have a more positive life. And that speaks to a lot of young people. If you are not given the opportunity, whether it is academic or hands-on, you do not know what your purpose is in life. You drift through life just waking up and thinking, *Wherever the wind blows today, that is where I am going to go.*

So, Mr. Speaker, as stated (and I would like to refer to the 2017 Throne Speech) on page 10 of the Throne Speech:

"Reforming and improving our public education system will yield better outcomes in the future. Poor educational attainment and the lack of economic opportunities are the main contributing factors to anti-social behaviour and violence."

This speaks, Mr. Speaker, to the case of Nikki Bascome, but [there are] many other cases in Bermuda like that. School was not his forte. He got caught up in some negative vibes in life. But he got the exposure to something good that he used to his benefit. And if we can do that with our whole school . . . with all the young people coming up, you can imagine the positive effect that this is going to have on Bermuda.

Mr. Speaker, I have a story in my canvassing. I canvassed a house. A young teacher in our public school system told me this story. She teaches, I believe, at Clearwater. And at Clearwater they were testing the Pulse programme. In it she told this story. In M1 they took all the boys, they split them up and they put them on projects. At the end of the project one little boy came up, he got a good grade (I believe it was an "A") and the teacher gave him a little certificate. Instead of going back to his seat, he walked out of the class. He ran away for a few minutes. He came back. At the end of the class the teacher asked him why he left the room. He said, *Because he had never gotten an "A" before in his life and ran outside to cry.* He did not want to cry in front of the other boys; it made him feel less of a man.

But the fact that he got an "A" for the first time in his life, he was able to go home, tell his parents about it, and it made him feel good. Again, imagine that impact if we can do that will all of our kids.

Again, Mr. Speaker, I would like to refer to the 2017 Throne Speech, page 9: "With the summer suc-

cess of the Science, Technology, Engineering, Arts and Mathematics (S.T.E.A.M.) Academy, the Government will concentrate on the development of S.T.E.A.M. in our primary schools."

Again, Mr. Speaker, this speaks exactly to the story that I just gave. That effect on one kid . . . if we implement this programme in primary and middle school levels the effect that we will have on all of those kids will change the direction of this generation going forward. These kids will then know—I *have potential*—whether it is . . . again, a lot of young males especially are hands-on, Mr. Speaker. So they know that they can be successful if they want to be a mechanic. A lot of kids like to be spray artists. They can be a tiler, a carpenter . . . if they know that they can be successful in that and make a living, Mr. Speaker, that will give them a focus in life, a purpose and keep them from getting distracted in negative things that as an idle mind with no purpose it is much easier to get caught up in, Mr. Speaker.

Mr. Speaker, I say all this, but I also would like to give my own experience. I stand here today as a Member of Parliament, but in my younger days—

[Laughter]

**Mr. Dennis Lister III:** I say that relatively, being I am the youngest.

[Laughter]

**Mr. Dennis Lister III:** In my younger days, Mr. Speaker, I did not have clue of what I wanted to do. But I knew that I wanted to sit up in this House on this Hill. I knew I had a purpose; I just did not know my path, Mr. Speaker. And like any young man growing up in Bermuda, you do get distracted, you get caught up, you go with your friends. And I must admit I was in the wilderness for a while, Mr. Speaker.

**The Speaker:** Yes.

**Mr. Dennis Lister III:** But I had one experience that did change my life and showed me the path that I wanted to be on.

Back in 2010, Mr. Speaker, I worked with my uncle, former MP Terry Lister, when he was running to be the Leader of the PLP party on a platform. And he chose me to work alongside him and another party member on the issue of gang violence in Bermuda. And as a young person, it resonated with me to see how this affects Bermuda. So, after working on it, I felt that it was my turn, my time, now, to stand up and to try and make a difference, Mr. Speaker.

Fast forward seven years, and here I am, Mr. Speaker. Because I found what my purpose was. And I stuck to it. It was a . . . seven years might not be long to some, but it was a long, long journey, Mr. Speaker.

In that time, Mr. Speaker, and recently with my candidacy being rolled out and with my successful election here, I have seen how my role has positively affected other young people in Bermuda. I have been contacted on social media, messages, emails, from many young people that told me that I was an inspiration to them, that I was standing up for our generation, and—

*[Desk thumping]*

**Mr. Dennis Lister III:** —I was helping to make a difference, Mr. Speaker.

*[Desk thumping]*

**Mr. Dennis Lister III:** And that all ties into finding my purpose, following through with my purpose, Mr. Speaker, and using my purpose to positively affect other people, Mr. Speaker.

Today I stand here as a witness to say that I have been encouraged by other young people in my generation that saw me stand up and now they want to make a difference, Mr. Speaker. They want to join whatever party it is—hopefully the PLP!

*[Laughter]*

**Mr. Dennis Lister III:** They want to get involved with politics, Mr. Speaker, and they want to sit in this House one day. All because one person took a stand, followed their purpose and used it, Mr. Speaker, to make a difference.

So in closing, Mr. Speaker—

**The Speaker:** You still have got seven minutes left.

**Mr. Dennis Lister III:** —may I ask how much time I have left?

*[Laughter]*

**Mr. Dennis Lister III:** Can I ask how much time I have left?

*[Inaudible interjections]*

**The Speaker:** There are seven minutes left.

*[Laughter and crosstalk]*

**Mr. Dennis Lister III:** In closing, Mr. Speaker—because I know everyone wants to get out of here and get home and get some dinner—I want to encourage our Government to continue going forward with their Throne Speech promises of introducing the S.T.E.A.M. Academy and also to go through with re-vamping the middle school system because that is where the majority of our young, and especially black, males fall through the cracks. They get lost because

they are not as academic as that person, so they feel like they are a failure. A lot of young men and young women do not come from positive home environments that reinforce to them *you can do and be whatever you want to be*. So when they feel failure in school, it is reinforced by their peers and they go home and it is reinforced.

So, Mr. Speaker, we have to do all that we can to make a positive environment for the young people coming up to enforce them and reinforce and reiterate to them that *you can be whatever it is that you want to be*. Give them all the opportunities education-wise, training-wise, so that they can be exposed to anything so that they can see their opportunities.

Mr. Speaker, when I was coming up, not too long ago . . . I admit I played football. I loved football. I am an avid football person. When I was coming up, I must admit that I did not know of the other business or other careers in football other than just being a player or a manager. If I had known, I might not be sitting in this House, I might have been an agent or so . . . a sports psychologist—

**Hon. Derrick V. Burgess, Sr.:** Or a scout.

**Mr. Dennis Lister III:** Or a scout.

But Mr. Speaker, it is about being exposed to the opportunities. There are a lot of kids in Bermuda nowadays and football is what they love. There is a very small chance of a young Bermudian making it. Nahki Wells is a very good example of one. We can have many more, but the opportunity, the chance right now is very limited. But if you want to be involved in sports in a different aspect, again, you could be a scout, like my honourable cousin Derrick Burgess said. You could be an agent. You could be a sports psychologist. You could be a [physiotherapist]. It is about being exposed to the opportunities so that you can know what you want to be.

So, again, in closing, Mr. Speaker, I want to encourage all young people to find what your purpose is, do all that you can to pursue your purpose, do what you can to make it your goal in life to use your purpose to affect those around you positively so that the change that one person makes . . . one person makes a change; but if we all make a change together, Mr. Speaker, we are unstoppable.

*[Desk thumping]*

**The Speaker:** Thank you.

Does any other Member wish to speak?  
Premier, it looks like you have the floor.

**Hon. E. David Burt:** Mr. Speaker, it seems as though your offspring has shut down the House today.

**The Speaker:** Well, we all wanted an early day, did we not?



**Hon. E. David Burt:** No problem, Mr. Speaker.

**The Speaker:** Thank you.

### MISSION OF PLP GOVERNMENT

**Hon. E. David Burt:** Mr. Speaker, it is now 4:40pm and we are going to have what will be regarded as a short day.

However, I will take to my feet to close and just make a few comments because, as we saw earlier today from the Ministerial Statements that were given, and as we heard from the Honourable Member who just took his seat who represents Warwick West, constituency 28, this Government has a purpose. And the purpose which we were elected to do was to tear down the Two Bermudas and build one, to provide opportunity to those who do not have opportunity, and to make sure that we can deliver on the promise and ensure that all Bermudians can advance and live out their purpose.

Now, Mr. Speaker, it is clear, whether it is the doubling of the capital for the Bermuda Economic Development Corporation (which will enable new entrepreneurs to have an opportunity to live out the dream of the New Bermuda), or whether it is providing educational opportunities at Bermuda College, or retraining opportunities at the Bermuda College (which this Government has found the money to do), we will not be deterred from our mission.

Now, we will hear chirping, we will hear comments, we will see former leaders of parties who will not speak when I am here, but will wait for me to leave until they start to . . . or tweet. We will hear former Attorneys General who will come and decide to lecture regarding advice which they have received. We have seen that advice. We have also seen the advice and know and understand the fact that if you want to . . . (how do you say?) live in a glass house, do not throw stones.

We understand our responsibility not only to the electorate, Mr. Speaker, but we also understand our responsibility to the future. We will guard jealously Bermuda's international reputation, we will do the work that is required, and we will—as the Honourable Member who just took his seat—make sure that every young Bermudian can live out their purpose.

Thank you, Mr. Speaker.

**The Speaker:** We now adjourn until—

**Hon. E. David Burt:** Next Friday.

**The Speaker:** —next Friday. Thank you, Mr. Premier.

I am going to take a liberty, if the House does not mind, and add my congratulations to the young man who just finished his maiden speech and say I sat here with pride in mind, not only because he deliv-

ered the speech, but today is also the anniversary of the passing of my father who was the first Dennis. We refer to Dennis III, so it was very timely.

Thank you, son.

*[Gavel]*

*[At 4:44 pm, the House stood adjourned until 10:00 am, Friday, 6 October 2017.]*

**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****6 OCTOBER 2017****10:02 AM***Sitting Number 5 of the 2017/18 Session**[Hon. Dennis P. Lister, Jr., Speaker, in the Chair]***PRAYERS***[Prayers read by Mr. Clark Somner, Deputy Clerk]***CONFIRMATION OF MINUTES***[Minutes of 29 September 2017]***The Speaker:** Good morning, Members.

I received the Minutes from the meeting of the 29<sup>th</sup> of September. Are there any objections or any amendments?

No objections; no amendments.

The Minutes are confirmed.

*[Minutes of 29 September 2017 confirmed]***MESSAGES FROM THE GOVERNOR****The Speaker:** There are none.**ANNOUNCEMENTS BY THE SPEAKER  
OR MEMBER PRESIDING****APOLOGIES**

**The Speaker:** Yes. I have received communication from Members who are absent today, and I would just like to acknowledge those Members. We have received communication from MP Cannonier, MP Tinee Furbert, MP Dunkley, and MP Baron. All have indicated they will be absent today.

**APPOINTMENTS TO JOINT SELECT COMMITTEE  
ON THE ESTABLISHMENT OF A LIVING WAGE**

**The Speaker:** Further, I would like to announce that, for the committee that has been named the Living Wage Committee, the members from this House are MP Commissiong, MP W. L. Scott, and MP L. K. Scott.

Also, for the Chairmen of the respective House Committees, Standing and Sessional Committees, you will find a package on your desks today that outlines the guidelines for [your] committee, information through recent meetings, and any other material that will be helpful to you.

**MESSAGES FROM THE SENATE****The Speaker:** There are none.**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE****The Speaker:** Yes, we do have those.

And I would like to recognise the Premier.

Premier, you have the floor.

**REFORMING THE TAX SYSTEM AND ITS  
ADMINISTRATION FOR FISCAL CONSOLIDATION**

**Hon. E. David Burt:** Thank you, Mr. Speaker, and good morning to you.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly a report entitled "Reforming the Tax System and Its Administration for Fiscal Consolidation," produced by the Caribbean Regional Technical Assistance Centre (CARTAC) for the Ministry of Finance.

**The Speaker:** Thank you, Mr. Premier

We have a further paper and communication, this one from the Honourable Minister of Health.

The Honourable Member, Ms. Wilson, you have the floor.

**BERMUDA HOSPITALS BOARD (HOSPITAL FEES)  
AMENDMENT REGULATIONS 2017**

**Hon. Kim N. Wilson:** Good morning, Mr. Speaker.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly the Regulations entitled Bermuda Hospitals Board (Hospital Fees) Amendment Regulations 2017, as made by myself as the Minister of Health.

**The Speaker:** Thank you.

I believe we have further papers and communications, this time from the Minister of Education.

Minister Rabain, you have the floor.

**NATIONAL TRAINING BOARD  
ANNUAL REPORT FOR THE YEAR 2016/17**

**Hon. Diallo V. S. Rabain:** Good morning, Mr. Speaker.

I have the honour to attach and submit for the information of the Honourable House of Assembly the Annual Report for the National Training Board for the Year 2016/17.

**The Speaker:** Thank you.

Do you wish to do a further one?

### YOUNG GEOGRAPHERS

**Hon. Diallo V. S. Rabain:** Yes.

Mr. Speaker, I have the honour to attach and submit for the information of the Honourable House of Assembly a textbook entitled *Young Geographers*, published by Panatel VDS Ltd., in conjunction with the Ministry of Education and Workforce Development.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Mr. Somner.

### PETITIONS

**The Speaker:** There are none.

### STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

**The Speaker:** Yes. Today we have, I believe, 10 Statements. And we are going to recognise Mr. Premier first.

Mr. Premier, you have the floor.

### REFORMING THE TAX SYSTEM AND ITS ADMINISTRATION FOR FISCAL CONSOLIDATION

**Hon. E. David Burt:** Good morning, Mr. Speaker, and thank you.

Mr. Speaker, in accordance with the Government's commitment made in the 2017 Speech from the Throne, I am pleased to table the [Caribbean Regional Technical Assistance Centre \(CARTAC\)](#) Report [for Bermuda] entitled "Reforming the Tax System and Its Administration for Fiscal Consolidation." The report was tabled in this Honourable House earlier today.

Mr. Speaker, Honourable Members are aware that in 2015, CARTAC completed a review of Bermuda's tax system and its administration. The CARTAC mission team visited Bermuda from September 29<sup>th</sup>, 2015, to October 12<sup>th</sup>, 2015, and met with various public sector officials and key stakeholders in the private sector. Many of these stakeholders requested access to the document which was prepared, but the former Government refused to share its contents. In keeping with its pledges of transparency, this Government has now tabled the CARTAC review in Parliament so that parliamentarians and members of the

community can be made aware of the recommendations.

*[Desk thumping]*

**Hon. E. David Burt:** Mr. Speaker, the report indicates that the main objective of the tax review was to increase tax revenues. The former Government's preference was to increase the revenue provided by existing taxes, though they were open to proposals that would expand the tax base and provide equity. Another objective was not to increase the size of the tax administration, but rather to improve its efficiency and simplify compliance. Therefore, the introduction of a full-fledged income tax, or a value-added tax, was ruled out. Given this guidance, the CARTAC mission concentrated its effort on analysing taxation of labour, remuneration of goods and services, and of property, and on reorganisation of the tax administration.

Based upon the [aforementioned] guidance, reform options were to satisfy the following tax policy principles: increasing revenues at about 0.5 per cent of GDP annually for three consecutive years, with measures broadly based on changes in existing taxes and fees; simplification of the tax system—in particular, the rationalisation of the number of taxes/fees and broadening the tax base; and improving equity of the tax system by keeping the tax burden on the poor broadly unchanged relative to the current situation.

Mr. Speaker, the review covered the main taxes, including the following: payroll tax, custom duties, stamp duties, all taxes and fees similar to an excise tax on goods and services, and land tax.

An in-depth review of the tax administration and its procedures was also undertaken to identify how the tax administration could cope with proposed policy changes, and what were the reforms that could improve its operations—even if policy changes were not introduced.

The recommendations of the mission are included on pages 10 to 13 of the report, and I would encourage Honourable Members and the general public to review the report and recommendations, as this Government prepares to establish the Tax Reform Commission, who will also conduct a review of our tax system, but with a much wider mandate.

Honourable Members are advised that, in accordance with the CARTAC Operational Guidelines for the Dissemination of Technical Assistance Information, the Ministry of Finance has obtained the consent of CARTAC to publish this report.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Premier.

We believe there are further Statements.

At this time, I would like to recognise the Deputy Premier.

Deputy Premier, you have the floor.

**LONDON INTERNATIONAL SHIPPING WEEK  
AND THE CAPITAL LINK SHIPPING, MARINE  
SERVICES & OFFSHORE FORUM—  
BERMUDA AND THE SHIPPING INDUSTRY**

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

Mr. Speaker, Honourable Members, I recently attended the [London International Shipping Week 2017 Conference \[Shipping Week\]](#), as well as the 10<sup>th</sup> Annual Capital Link Shipping, Marine Services & Offshore Forum, which took place from the 11<sup>th</sup> to the 14<sup>th</sup> of September 2017.

London International Shipping Week featured industry functions and unique networking opportunities for leaders across the spectrum of international shipping—regulators, ship owners, ship managers, lawyers, insurers, and many more. Held every other year, the Shipping Week is a highlight on the calendar of the shipping sector, attracting, as it does, more than 15,000 industry leaders.

Marking its 10<sup>th</sup> anniversary, Capital Link's Shipping, Marine Services & Offshore Forum, held in cooperation with the London Stock Exchange on the 12<sup>th</sup> of September, provides investors with a comprehensive industry review ranging from shipping markets to investment communities. Ship owners, institutional investors, bankers, risk advisors, venture capital firms, and high net worth investors are among the attendees. The forum's standout feature is a series of moderated panel discussions, participants of which include shipping presidents, CEOs, and managing directors and partners.

With both conferences being held in the same week and with such high profile participants, the BDA [Bermuda Business Development Agency] saw this as an opportunity to promote Bermuda's blue-chip advantages to the international shipping sector. The BDA, working with the Bermuda Government's London Office, coordinated a Bermuda delegation that comprised the Bermuda Shipping and Maritime Authority, as well as partners and senior associates of local firms—Appleby, Consolidated Services Limited, Conyers, Cox Hallett Wilkinson, and MJM. In my capacity as Deputy Premier and Minister responsible for shipping, I was asked to attend this key industry event to add to the Bermuda presence and increase its profile.

The Bermuda delegation was on hand to introduce the industry to the newly reorganised Bermuda Shipping and Maritime Authority, and to facilitate networking opportunities for those serving the shipping sector here in Bermuda.

Mr. Speaker, the Bermuda Shipping and Maritime Authority was established in 2016, taking over from the former Department of Maritime Administration. This organisational change allows for more autonomous and flexible growth of Bermuda's shipping registry, a shipping registry we have had in place since 1789.

Bermuda's shipping registry is a category 1 member of the British Red Ensign Group of shipping registries—reflecting, in a way, our maritime heritage that stretches back 400 years.

In addition to maintaining the Island's ship registry, which has existed in its current form as a successful international registry since the 1980s, the Authority provides other related services such as ship surveying and certification, safety management, and maritime security audits. The Authority also issues seafarers' documents.

The London conferences gave us an opportunity to highlight our ship registry, which is the third largest of the Red Ensign Group, with 163 large ships totalling over 12 million gross tons. Bermuda has a strong registration in cruise ship registration, with the flagging-in of the *Princess* cruise line passenger ships fleet and its sister company, P&O Cruise line. It is further strengthened by the three *Queens* of the Cunard lines. This is a unique sector of the market, which requires our Authority to have specially qualified and trained technical and operational staff to deliver registration and support services.

Bermuda is strong in the registration of large liquefied natural gas [LNG] ships, as well. These require surveyors and inspectors with special knowledge of LNG operations for certification. At present, there are more than 50 large gas tankers registered under the Bermuda flag, and the Authority has a team of expert technical personnel servicing this fleet.

There is a synergy with Bermuda's insurance and reinsurance sector, too, as we are home to a number of protection and indemnity [P&I] clubs, which provide insurance coverage to large shipping fleets. Essentially, the members of the P&I clubs are ship owners.

All of this, Mr. Speaker, was promoted by the Bermuda delegation during the two conferences.

On the first evening, 11<sup>th</sup> of September, Bermuda hosted approximately 200 invited guests at a cocktail reception. The guest list comprised shippers, ship management companies, bankers, insurers, legal services providers, bulk terminal operators, ship brokers, marine consultants, and others in the field. Armed with talking points on the benefits of doing shipping business in Bermuda, the delegation took advantage of this ideal opportunity to bring the Bermuda Shipping and Maritime Authority to the attention of the shipping industry.

The next day, at the Capital Link forum, Bermuda had a booth positioned at the entrance to the Members Room at the Chartered Accountants Hall, where panel discussions took place. Staffed by the BDA and the Government's London office, we displayed information on the Authority and Bermuda, and offered the opportunity for attendees to converse directly with the Authority staff and/or board members.

A highlight of the day was a private lunch hosted by BDA, local law firms, and the Authority. This

exclusive networking occasion allowed Bermuda's shipping sector to converse directly with CEOs and board chairs of shipping lines.

Another highlight was a panel discussion entitled "Industry Challenges & The Road Map Ahead." John O'Kelly-Lynch, Deputy Chair of the Authority, was a panellist, alongside Mark O'Neil, President of Columbia Ship Management; Knut Orbeck-Nilssen, CEO of DNV GL Maritime; and Frederick Kenney, Director of Legal and External Affairs at the International Maritime Organisation. The panel was moderated by Clay Maitland, Managing Partner of International Registries. This was an additional opportunity to put the spotlight on Bermuda in front of an audience of ship owners, ship managers, and other industry participants.

At the end of the day, I attended an opening cocktail reception hosted by the London International Shipping Week at Lancaster House. The theme of this year's conference was "Tomorrow's Maritime World," and the reception was another chance to fly the flag of Bermuda among the elite of the shipping industry.

On the third day, I conducted media interviews, including one with Lloyd's List, the leader in shipping journalism. The wide-ranging interview produced two articles for Lloyd's List, one of which focussed on Bermuda's push into Asia. The drive into Asia is imperative because most of the new shipbuilding is taking place in China and its neighbours. Bermuda must position itself to be with the shipbuilders and ship owners.

Honourable Members will have heard on the radio or read in print additional interviews conducted with local media.

Mr. Speaker, in the interest of ensuring that the people of Bermuda benefit as much as possible from these business trips, I spent time in meetings and discussions on other matters pertaining to the Ministry of Transport and Regulatory Affairs. Over the course of the 13<sup>th</sup> and 14<sup>th</sup> of September, I met with consultants to discuss Bermuda and the space industry, as well as with representatives of Transport for London and the Department of Transport. In addition, I was able to briefly meet with members of the United Kingdom Overseas Territories Association. Mr. Speaker, I expressed on behalf of the Bermuda Government and the people of Bermuda our concerns for the situation following Hurricane Irma in BVI [British Virgin Islands], Anguilla, and the Turks [and Caicos Islands].

Bermuda is seeking to expand and diversify its economy, and the next steps with respect to the satellite and space industry are of critical importance. Now that Bermuda has secured its orbital slots and the Space Industry Bill is presently before the UK Parliament, [which is] the next step in regulating space-flight activities, Bermuda must consider its options and what it has to offer. I had fruitful discussions, which continued in Bermuda later in this past month. I will

have more to report to this Honourable Members in due course.

The public transport and road safety-related meetings were very helpful, Mr. Speaker. Technology is changing all of our lives very rapidly, and it was useful to discuss with Transport for London the possibilities and pitfalls of various travel products used. These included, for example, pay-as-you-go; or pre-loaded cards, such as the Oyster card; contactless payment (which requires a chip and PIN technology not yet widely available in Bermuda); ticket vending machines; biodegradable smart cards; and travel apps.

With respect to road safety, we discussed with representatives from the Department of Transport various strategies used to improve driving and driving habits. Many of these have been discussed in Bermuda before, such as roadside sobriety testing, speed cameras, and licence plate recognition. There are benefits and costs associated with each, and we will need to determine the best fit for Bermuda. As outlined in the Throne Speech, however, I anticipate working with my colleague, the Minister of National Security, to progress roadside sobriety testing. I must add, though, that what struck me in this conversation was the fact that, in the UK, road safety training starts at the age of five. The epidemic of road fatalities Bermuda is experiencing may not disappear overnight, but we do have an obligation to try and make a change.

Bermuda does need to modernise its approach to transportation, and the upcoming Green Paper on Transportation will be the crucial start of a new conversation.

Mr. Speaker, my time in London concluded with the gala dinner that ended London International Shipping Week on the 14<sup>th</sup> of September. Increasing regulation, geopolitical uncertainty, big data, ocean warming, cybersecurity, and alternative investments and financing are some of the hot topics facing the shipping industry today. The delegation of the Bermuda Shipping and Maritime Authority, Bermuda Business Development Agency, the Bermuda Government's London office, Appleby, Consolidated Services Limited, Conyers, Cox Hallett Wilkinson, and MJM, promoting our Island's significant ship registry and ship services, demonstrated that Bermuda is a safe harbour and open for business.

Thank you, Mr. Speaker.

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

We have further Statements. We have a Statement from Minister Brown.

Minister Brown, I believe you have two Statements. You can do the first one in reference to the care for and management of dogs, I believe it is.

**Hon. Walton Brown:** Thank you, Mr. Speaker, and good morning, colleagues. I do indeed have two Statements.

### PROGRESS ON IMPROVING THE CARE AND MANAGEMENT OF DOGS

**Hon. Walton Brown:** Mr. Speaker, I rise today to update this Honourable House about the work being done to progress amendments to the Dogs Act 2008 to improve the [care and management of Bermuda's dogs](#).

The issue of how to best care for, manage, and control dogs has been raised in this Honourable House on numerous occasions. Issues debated have included how to manage illegal breeding, animal abuse and neglect, and more effective methods of enforcement. The focus for much of this debate, however, has been on how to best manage problematic breeds, such as the pit bull, and associated controversial breed-specific policies. The challenge continues to be in finding the right balance between the desire to have one's dog of choice and ensuring public safety.

As a consequence, there is a need to develop a system of management that is practical and enforceable, and provides a robust regulatory framework for dogs.

Mr. Speaker, the Dogs Act 2008 succeeded the Dogs Act 1978 and was meant to introduce many positive enhancements. This [2008] Act, however, never became operational, because of challenges with potentially weaker enforcement of some crucial aspects, such as breeding of dogs. Once amended, the Dogs Act 2008 and new accompanying regulations will provide the means necessary to best manage the Island's canines.

Mr. Speaker, a number of key stakeholder groups have helped to pave a way to a solution by identifying key issues, priorities, and potential solutions. Consultation to date includes submissions from the Canine Advisory Committee (CAC), the Society for the Prevention of Cruelty to Animals [SPCA], and the Bermuda Veterinary Association. The CAC has reached out to groups such as Punish the Deed not the Breed, and also to Fetch Fido.

I am sure you know this group, Mr. Speaker.

**The Speaker:** Yes.

**Hon. Walton Brown:** Mr. Speaker, the input received shows a broad consensus between those groups and has allowed for the development of a sound roadmap of proposals.

The resulting recommendations fall broadly into three categories:

1. improving the general care of dogs, which will reduce animal abuse and neglect;

2. creating a better regulatory framework that will protect the public and the well-being of dogs by promoting more responsible ownership of dogs, while at the same time, allowing for a consultative-based process for sound and consistent decision-making relating to dog breeds;
3. developing better compliance and enforcement tools to ensure that members of the public who do not comply with the provisions of the legislation are punished, while, at the same time, minimising costs to the public purse.

Mr. Speaker, the Department of Environment and Natural Resources will be conducting two town hall meetings next week to discuss the issues and recommendations and to get public input.

The first meeting will take place at 6:00 pm, Tuesday October the 10<sup>th</sup>, at the Anglican Cathedral Hall in Hamilton. The second will take place the next day, Wednesday, October the 11<sup>th</sup>, same time, 6:00 pm, at the Bermuda Aquarium.

Mr. Speaker, our aim must be to develop a sustainable approach to canine management. I encourage members of the public to attend these meetings and to share their concerns and proposals. Their input will conclude the public consultative process and allow the Government to shape the new legislative framework.

Thank you, Mr. Speaker.

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

Minister, you can continue on with your second Statement.

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

**The Speaker:** Yes.

### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017

**Hon. Walton Brown:** Mr. Speaker, later this morning, I will table in this Honourable House the Bill entitled the [Bermuda Immigration \[and Protection Amendment\] \(No. 2\) Act 2017](#). This Bill represents another phase in our next wave raft of immigration changes.

I must remind Honourable Members of the PLP Government's platform promise for complete, comprehensive, bipartisan immigration reform to ensure that the rights of Bermudians are advanced and protected, while, at the same time, recognising the need to grow our economy with fair and balanced work permits and residential policies. Our reform will ensure that Bermudians will come first, employer abuse is minimised, and the land in Bermuda is protected for Bermudians. This commitment was repeated in our recent Throne Speech, Mr. Speaker.

The Bill entitled Bermuda Immigration [and Protection Amendment] (No. 2) Act 2017 seeks to amend section 8 of the principal Act to provide for the provisions of the Bermuda Immigration and Protection Act [1956] to operate and have effect, notwithstanding the Human Rights Act 1981. In essence, this means that the Bill seeks to exempt the Bermuda Immigration and Protection Act 1956 from the primacy of the Human Rights Act 1981.

Mr. Speaker, this does not mean that the immigration legislation can ignore the consideration of human rights. Section 12 of the Bermuda Constitution Order 1968, which has primacy over all government functions and legislation, provides protection from discrimination based on race, place of origin, political opinions, colour, or creed. Even then, the Constitution makes provision for this right to be limited if it is, and I quote directly from the Constitution, “reasonably justifiable in a democratic society.”

In addition, Mr. Speaker, the United Kingdom, our colonial master, is a signatory of the European Convention on Human Rights, and that Convention has been extended to Bermuda. Therefore, any decisions that are made in accordance with the Bermuda Immigration and Protection Act 1956 must necessarily adhere to the articles contained in the Convention.

Mr. Speaker, Honourable Members should also note that this Act [the Bermuda Immigration and Protection Act 1956] is consistent with section 11 of the Bermuda Constitution Order [1968], which imposes restrictions on persons who do not belong to Bermuda, including, for example, the restriction of movement or residence within Bermuda and the exclusion or expulsion from our Island, and also the restriction on, the acquisition, or use of land or other property in Bermuda.

Mr. Speaker, you and others may ask why we are tabling this Bill. Over the years, the fundamental tenets of the Bermuda Immigration and Protection Act 1956—i.e., to protect Bermuda for Bermudians—have been challenged and continue to be so. Unfortunately, the primacy of the Human Rights Act [1981] has caused some non-Bermudians to claim that they are being discriminated against based on their place of origin.

Mr. Speaker, you will remember the public statement of the former Minister from the OBA Government, Minister Fahy, in which he announced the tabling of the Pathways to Status Bill. He stated, Mr. Speaker, that the Pathways to Status Bill, and I quote, “will advance human rights in our island to bring us in line with important international human rights standards.”

I continue quoting the former Minister: “This announcement today should finally bring the much-needed security and peace of mind to those in our community who have come to call Bermuda their home but yet, legally, are viewed as outside guests here” (end of quote).

It is obvious, Mr. Speaker, that the legacy of this statement continues to impact the mind-set of certain non-Bermudians. In addition, former Minister Fahy made this announcement against the backdrop of data that showed that there was an unemployment rate of 25 per cent among young black Bermudian men between the ages of 16 and 25. So, clearly and obviously, Mr. Speaker, human rights, much-needed security and peace of mind—all referred to by former Minister Fahy—were not extended to our young Bermudian citizens.

*[Desk thumping]*

**Hon. Walton Brown:** Mr. Speaker, there are very few countries other than Bermuda and Canada that allow their human rights legislation to extend to their immigration legislation—not even our colonial masters.

**The Speaker:** What was that, Minister Brown?

**Hon. Walton Brown:** Not even the United Kingdom, Mr. Speaker.

*[Laughter]*

**Hon. Walton Brown:** In fact, you will know, Mr. Speaker, that many countries have doubled down on their immigration regulations. In fact, the International Organization on Migration (IOM) makes the following statement on their website, and I quote:

“The normative approach to migration can be seen mainly from two different, but complementary angles:

“The principles and standards deriving from State sovereignty.” (We are not there yet, but let us just say . . .) “These include the right to protect borders, to confer nationality, to admit and expel foreigners, to combat trafficking and smuggling, and to safeguard national security.”

That is one of the two angles that dominate countries’ actions today. The second, Mr. Speaker, is that of “the human rights of the persons involved in migration.” I repeat—“the human rights of the persons involved in migration. Many relevant conventions exist at the universal and regional levels, although most of them do not explicitly refer to migrants or recognize them as a specific group. These instruments are spread across various branches of law, such as human rights law, humanitarian law, refugee law, criminal law, and labour law; the relevant human rights norms are therefore dispersed throughout a wide range of texts.”

Mr. Speaker, the Bermuda Immigration and Protection Act of 1956 addresses the first, protecting the interests of the sovereign state. The Human Rights Act 1981, along with a raft of other legislation, accomplishes the second point of the rights and protections of migrants.

Mr. Speaker, finally, I would like to quote a lawyer colleague whose comment encapsulates this Government's position. And I quote: "Across the board from top to bottom and from east to west; from janitors to CEOs, non-Bermudians should only be employed where qualified Bermudians cannot be found. Every country I have worked or lived in abroad aggressively pursued these policies and laws."

Mr. Speaker, in a country with limited resources, 22 square miles, and a population of about 65,000, the protection of land for Bermudians, and the promotion and protection of Bermudians in the workforce are perfectly justifiable in a democratic society. Indeed, Mr. Speaker, even section 6(9) of the Human Rights Act 1981 protects employers who give preferences to Bermudians.

Thank you, Mr. Speaker.

*[Desk thumping]*

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

We have a further Statement. That is from the Minister of Health.

Minister Wilson, you have the floor.

#### **ASSISTANCE FROM PAN AMERICAN HEALTH ORGANIZATION FOR HEALTH WORKFORCE PLANNING AND COLD CHAIN TRAINING**

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

Mr. Speaker and Honourable Members, I stand before this Honourable House today to highlight two initiatives by my Ministry that few may be aware of. And I feel it is important that my honourable colleagues and the public know what the Ministry of Health does to safeguard Bermuda's health and how we are supported by international bodies such as the [Pan American Health Organization](#) (or PAHO).

Mr. Speaker, health workforce planning is an extremely important endeavour. Bermuda needs to predict and plan for our health workforce needs, especially as we compete for health professionals due to a global shortage. The efforts of the Ministry of Health have been supported during the past two years by advisors from PAHO. In the Bermuda Health Strategy, which is in fact Bermuda's National Health Plan, action items included medical workforce planning. My Ministry's work to improve the country's health workforce is part of our broader strategic direction.

Mr. Speaker, this action is focused on health workforce planning in line with PAHO recommendations based on international best practice. This means that it is not just about doctors and nurses, but about all professions which complement and support healthcare, such as physiotherapy, psychology, dentistry, occupational therapy, and many, many more.

In our 21<sup>st</sup> century Bermuda, the health care needs of our community are being determined by the trends we observe in disease patterns and in the well-

documented demographic shift to our older population. The early onset of chronic preventable diseases—such as diabetes, kidney disease, and heart disease—has an impact on our health workforce. By 2030, it is projected that people over the age of 65 will increase from 11 per cent to 22 per cent of the entire population, while chronic non-communicable diseases are striking our people earlier in their lifespans. In addition to our concerted efforts to improve health promotion and [disease] prevention, Bermuda will need competent professionals in a variety of areas in health to tackle our new reality.

Mr. Speaker, if these trends continue as they are projected, we will have more people to care for and each of those persons will need care for a longer period of time. Bermuda's health system must prepare to support the long-term care needs of the community, while, at the same time, trying to prevent and control these chronic diseases. In short, Mr. Speaker, there will be a demand for a health workforce with two unique skill sets: (1) to [encourage] and support the lifestyle changes required to prevent chronic diseases; and (2) the long-term management of those with chronic conditions.

It is clear we will need a variety of health care professionals, not simply traditional professions such as medicine, nursing, and allied health. The future will see an expanded role for social workers, mental health professionals, pharmacists, health educators, addiction specialists, health information specialists, and many other professions. Mr. Speaker, Bermuda's education system and its immigration policies, economic conditions, and employment circumstances will need to align to secure the necessary human resources to serve our population's health needs.

Significantly, Mr. Speaker, this health workforce planning project is showing clearly that Bermuda's health care needs cannot be met solely by Bermudians. We will need to attract additional qualified health professionals when we cannot fulfil the demand from our own workforce. And when it comes to the recruitment and retention of human resources for health care, Bermuda will be affected by the worldwide shortage of health professionals, the impact of globalisation, and the world's economic climate. We will be competing globally for the same human resources.

Mr. Speaker, Dr. Hedwig Goede, who is the PAHO Health System Services advisor, has come to Bermuda on four occasions in the past two years to assist us in the development of this plan. [In] the process of health workforce planning, [we] enlisted input from a broad array of health care professionals and work environments, private and public. Several consultative meetings and workshops have included the registered professions of nursing, medicine, pharmacy, allied health, clinical psychology, and dentistry, as well as related professionals in social work, workforce development, immigration, health administration,



health economics, and insurance. The most recent meeting, on September the 27<sup>th</sup>, represented the conclusion of stakeholder consultation. Two advisors from PAHO attended to support the tasks required. They were Dr. Goede (whom I previously mentioned) and Ms. Nasolo Thompson, a PAHO consultant. Significantly, this technical support comes at no cost to the government.

Mr. Speaker, the aim of this health [workforce] plan is to be ready for the strains placed on Bermuda's health system by the ageing of our population and by [the] increase in chronic preventable diseases striking people at a younger age. This requires health care staff to educate people and also provide long-term care and management, and it is vitally important that we plan now in order to meet this increasing demand.

What I would like to stress here, Mr. Speaker, is that there are a lot of jobs in the health workforce and Bermudians should consider this highly rewarding career path. We have information available on our websites, on the health professional boards and associations. So, students can contact [sources] directly for guidance on suitable career paths [and pinpoint] areas where we have great need for qualified, licensed professionals and areas that may already be saturated. For example, we have many paediatricians and obstetricians, but we have a declining birth rate; yet we have no Bermudian gerontologists, and our population is ageing. There are many more such examples, and persons interested in health careers should speak to the relevant professional associations.

Mr. Speaker, the second initiative that I would like to highlight is the handling of vaccines. Vaccines have been one of the most effective public health interventions, second to potable water. Vaccines prevent certain diseases and save lives—in infants, children and adults. There are important steps involved, from manufacturing to the point of vaccination. For this reason, four PAHO technical experts visited Bermuda during the first two weeks of September 2017 to review the Island's systems for receiving, storing, and distributing vaccines, and to make specific recommendations for improvements.

Mr. Speaker, Dr. Karen Lewis-Bell, Nora Rodrigues, Victor Gomez, and Mojtaba Haghgou, international immunisation system experts, assessed each step involved with the receiving, transporting, storing, and distribution of vaccines within Bermuda's health care system. Two capacity-building workshops were held for health care providers involved with administering vaccines, including the Department of Health, as well as primary care physicians' offices, paediatricians, and residential care homes.

The Department of Health procures most vaccines through PAHO, which upholds the principles of quality and access to vaccinations for the benefit of all, in Bermuda and the region. The areas for im-

provement, identified by the experts, will enable the inclusion of new vaccines to the Bermuda Child and Adult Immunisation Schedules. The community serves to benefit from the additional vaccines, as these are recommended by the Bermuda Advisory Committee on Immunisation Practices. Implementation of systems for monitoring and control ensure that Bermuda meets the standards set by PAHO to maintain vaccines for the country.

Mr. Speaker, the Ministry of Health is committed to progressing toward the goal of universal health care, where every person has access to the basic health services they need without suffering financial hardship. I am personally committed deeply to this goal. The departments and programmes within the Ministry are working on many strategic initiatives to achieve this goal, and these examples of health workforce planning and immunisation are only two such examples.

Mr. Speaker, before taking my seat, I must also offer sincere thanks on behalf of the Ministry of Health and the people of Bermuda to the Pan American Health Organization advisors who have guided and supported us in these and many other initiatives. Their experience and expertise are a constant reminder that Bermuda is not alone in facing many of these challenges, and that countries in the region and internationally are grappling with many of the same issues that we have here in Bermuda. By sharing their knowledge, they enable Bermuda to keep up with international best practice, without reinventing the wheel.

Thank you, Mr. Speaker.

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

We have a further Statement, that from the Minister of Education.

Minister Rabain, you have the floor.

#### **NATIONAL TRAINING BOARD ANNUAL REPORT FOR THE YEAR 2016/17**

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

Mr. Speaker, this morning I rise to lay the [2016/17 Annual Report of the National Training Board](#) (NTB) as required by the National Training Board Act 1997, section 11(1), which states, "the Board shall, within three months after the end of each financial year forward to the Minister a report on the activities of the Board during that financial year and on the Board's policy and programme for future years."

Mr. Speaker, let me first state that this 2016/17 Annual Report was completed under the former Government administration. However, the tabling of the report was delayed when Parliament was dissolved in June 2017, and, consequently, the legislative schedule was placed on hold until after the July 2017 general election.

Mr. Speaker, the Annual Report highlights various initiatives, many of which owe their origins to the previous PLP Government. [These initiatives] include the following:

- collaborative work with the Construction Association of Bermuda;
- collaborations with industry partners such as construction developers, hospitality, and international business sectors;
- certification programmes offered for the development of Bermudians;
- further learning and development certification programmes for adult learners; and lastly,
- the annual Student Summer Employment Programme.

Mr. Speaker, work continues in earnest with the Bermuda Hospitality Institute, the Construction Association of Bermuda, Financial Assistance, international business, and other private business organisations. There is a concentrated effort to encourage businesses to invest in the development of Bermudians by offering apprenticeships and internships both paid and voluntary. This is the best way to sustain our local talent.

Mr. Speaker, while the report does highlight the ongoing work done in the area of national certification, it is unfortunate that, despite the former Government's declaration in July 2016 in this House that initiatives to ensure legislative compliance for national certification for the various designations will be in place by March 2017, sadly, very little movement towards that goal was achieved, as highlighted by this report.

The report also presents success stories showcasing talented Bermudians who received support and funding from the National Training Board to obtain academic, technical, vocational and trades certifications and/or qualifications. Additionally, a total of 22 students received National Technical Vocational Training [NTVT] Awards during the 2016/17 reporting year. There were nine students who were successful in obtaining the Technical Vocational Education Training Award. Overall, \$220,000 was granted for the distribution of the NTVT Awards.

Mr. Speaker, I will now share more information on some of the success stories, which I believe are a testament to the Government's *return on their investment*.

Let us begin with Ms. Sherlene Trott, who received her CAP (Certified Administrative Professional) designation after 37 years of experience as a corporate administrator. CAP is one of the leading recognised professional certifications in the administrative field that encompasses all areas of the office. Certification leads to individuals feeling more valuable to their employers and provides a competitive advantage in the workforce.

Miss Ciara Muat received her NVQ (National Vocational Qualification) Level 3 qualification from the

London Hair Academy in the UK whilst completing an apprenticeship at Salon Pink. Prior to this recent achievement, she attended the Paul Mitchell School in Tampa, Florida, where she obtained her NVQ Levels 1 and 2. As a result of her training, Ciara is now able to provide professional styling services.

Mr. Damali Bell completed his Levels 2 and 3 Heavy Vehicle Maintenance Certifications at the Institute of the Motor Industry (IMI) in the UK. Initially, he gained his work experience as an apprentice at the Public Transportation Board, where he currently works as a bus mechanic, but his original plan was to be a marine mechanic. In light of the current bus situation, it is indeed interesting to read his section about the buses, where he states, and I quote, "On any given day, the depot parking lot can look like a hospital waiting room with bent and broken buses lined up waiting for treatment. It's always busy, especially in the summer when we get a lot of buses overheating."

Mr. Speaker, Mrs. Judith Welch reached her dream of becoming a special education teacher in the public school system. Her educational résumé spans from a concentration in psychology to studying landscape architecture, ending with a Master's in Education in Special Education. She is a mother of two young children, and she aspires to make a difference by assisting children with learning challenges. Currently, Mrs. Welch is employed in one of our middle schools. Her responsibility includes conducting psychological educational assessments and providing strategies to assist with students' personal growth.

Mr. Speaker, the Ministry would like to take this opportunity to thank the members of the National Training Board, the staff in the Department of Workforce Development, and all industry partners who collaborated to support the success of the training and development programmes. All of these efforts will ensure that Bermudians gain access to opportunities that will suitably position them in the workforce.

Thank you, Mr. Speaker.

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

We have a further Statement, this one from the Minister of National Security.

Minister Caines, you have the floor.

#### MINISTRY OF NATIONAL SECURITY— UPDATE

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

Mr. Speaker, understandably, in recent years the [Ministry of National Security](#) has become defined by the work of the police and by the policies related to gun violence. This does occupy a tremendous amount of time and focus, but our Ministry is more than that. I am therefore pleased to update this most Honourable House and the public on the varied policy initiatives in train since my appointment as the Minister, following the election, on July the 20<sup>th</sup>.

Mr. Speaker, in addition to introductory meetings with department heads and staff, I have taken the opportunity to initiate detailed discussions to determine how each department can more effectively serve the people of Bermuda.

Mr. Speaker, the Chief Fire Officer and his assistant chiefs just started a recruit course with eight trainee firefighters, and it is intended that another course will start early in 2018. This is critical to the service standard and man-management aims of the Bermuda Fire and Rescue Service, and this Government is pleased to support these overdue efforts at compensating for the lack of staff caused by natural attrition and hiring freezes. Without this, we run the risk of burnout among some of our first responders.

Mr. Speaker, with the Collector of Customs and the collectorate we have also started efforts to fill posts for which funding has been recently approved, but [for which] recruitment was stymied by previous policies. This is critical to the responsibilities Customs has in border control generally, and for ensuring Bermuda passes muster in the anti-money laundering regime.

Additionally, Mr. Speaker, legislative changes required to promote a more secure framework around the sharing of information between services are under consideration. This is required as part of the NAMLC [National Anti-Money Laundering Committee] preparedness.

Mr. Speaker, I am keenly aware of the vital role played by the Department of Corrections in restoring our citizens to society. I fully support the Commissioner's emphasis on restoring lives and on the rehabilitation of offenders. I have had the opportunity to see first-hand the results of this approach when I recently attended events to mark the completion of such a programme at the Right Living House. Mr. Speaker, I eagerly anticipate attending the graduation of a young man with his GED, who found the inspiration behind bars to pass the programme with flying colours.

Mr. Speaker, as we promised in this year's Throne Speech, the Royal Bermuda Regiment will be assuming responsibility for inshore maritime patrolling from the police, and this will soon become a reality. The necessary posts are approved, and we will work to ensure that they are properly funded for the next fiscal year.

Mr. Speaker, across our Ministry, I have convened meetings with each departmental controller, and with the assistance of the Ministry's Controller have begun the process of identifying savings to be realised in the respective budgets.

Mr. Speaker, I have asked department heads to examine private sector leases and space needs [in order] to reduce rents paid. Targets have been set to reduce overtime for the remainder of this fiscal year and to carry the practice into next year. Everything from clothing and uniform costs, to what we spend

repairing vehicles, is on the table. Mr. Speaker, this is not austerity for austerity's sake, but we must identify funding that can be reprioritised to meet the objectives we promised to deliver for the people of Bermuda.

Mr. Speaker, whilst I have recently commented on our progress in the area of initiatives combatting gang lifestyles, [these initiatives] are important enough to be reiterated in this most Honourable House. Mr. Speaker, this Government promised the people of Bermuda that we would "give reducing gang violence the priority it deserves." Since July, I have been focused on that goal. Every morning at 9:00 am, I chair a meeting of the team engaged in the programmes around gang violence and the reduction thereof. And every day we focus on a portion of our strategy, and we look to see how that can be better developed, and we isolate those areas that need greater attention.

In just 11 weeks, the Ministry of National Security team has responded well to the challenge that I issued when I was appointed. It was necessary to build on the work that had been done, and in some cases sharpen the focus of existing programmes and resources to produce measurable outcomes. In our first 60 days, we have

- commenced an internal review of current programmes and initiatives;
- relaunched the Inter-Agency Gang Task Force;
- stabilised Team StreetSafe with much-needed financial support;
- relaunched the Coordinated Crisis Response to ensure a clear response to any incident;
- implemented the Inter-Faith Working Group—launched with a multi-denominational meeting last month; and
- supported the implementation of Moms on a Mission [MOM], a support group for mothers directly affected by gun violence.

Mr. Speaker, this is just the beginning. As a team, we have determined the core goals and objectives of our work in this area. We intend to measure ourselves by these goals, and we are committed to delivering on them for the people of Bermuda.

We aim, number one, to change the pattern of behaviour of individuals involved in group and gang violence, and to reintegrate them back into mainstream society. Number two, we are determined to prevent our young people from joining gangs and engaging in antisocial behaviour. Number three, we will connect at-risk youth, men and women, with the necessary helping agencies that will aid in the addressing of mental and social health issues. Perhaps most importantly, we must create opportunities for employment for young people and others who have previously been deemed "unemployable" because of their past.

The team I found in place was essentially a two-man operation, which has devoted enormous time and talent to the task at hand. In keeping with the

promise that we made in our “First 100 Days” platform, I have determined to strengthen that team and broaden the reach of our initiatives by engaging Pastor Leroy Bean as the promised Gang Violence Reduction Coordinator.

Pastor Bean has 14 years’ experience working with gangs in Bermuda and has been a residential care officer within the former Department of Social Services. He holds degrees in family and addiction counselling and has committed himself to working within the communities affected by gang violence. Through his efforts, many young men have chosen better paths for their lives, and he will make an important addition to the Ministry’s team.

As we promised in the “First 100 Days” platform, Pastor Bean has a singular focus, and that will be on implementing programmes to reduce gang violence and antisocial behaviour. He will be the lead in those areas designed to engage various aspects of our community, including clergy and local employers, all with the goal of transitioning young men and women away from the gang lifestyle with viable social and economic alternatives.

Mr. Speaker, I am determined that this work within the Ministry will not be defined by deliberate distractions created by criticisms of the salary paid to Pastor Bean, or long-settled issues around previous projects. We were elected to tackle the systemic racial and economic issues that have created the conditions for gangs, violence, and antisocial behaviour in our country. For too long, the narrative has been dictated by those whose interests are more aligned with the sport of [character] assassination and not with achieving social justice and economic equality.

Mr. Speaker, the message of July 18<sup>th</sup> is that “business as usual” is not acceptable. The loud voice of the people demands that we make transformative change to this society, and this starts with how we approach the issue of violence in this community. The electoral mandate of this Government compels us to discard petty politics, to urgently address root causes, and to support every genuine attempt to do so.

Thank you, Mr. Speaker.

*[Desk thumping]*

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

We now recognise the Minister of Works. He has, actually, three Statements, and he has actually changed the order and will do his second Statement first. Minister, you have the floor.

## INFRASTRUCTURE IN NEED OF ATTENTION

**Lt. Col. Hon. David A. Burch:** Thank you very much, Mr. Speaker. Good morning.

I rise to ask the House to take note that Bermuda’s first observation of Architecture Week occurred this week, from October the 2<sup>nd</sup> to today. Alt-

hough the Department of Planning, and architects, do not fall under my Ministry, the most beautiful examples of Bermuda’s architecture are among the buildings held and administered by the [Ministry of Public Works—Government House, the Sessions House, the Cabinet Building and Camden](#), to name a few.

Mr. Speaker, I do think this is an appropriate time to ask each of us to understand the value of these buildings and their place within our society. We accepted the challenge of the Progressive Labour Party Government’s plans for a Better and Fairer Bermuda, and our first 53 days in office were spent working diligently, together with the Ministry of Education, to have public schools ready for our students. And we did it! With the help of concerned citizens, parents, neighbours, teachers, school staff, and friends, and the hard work of Ministry of Education Facilities and Public Works staff, our schools were cleaned of mould, and made fresh and ready for the next generation of Bermudian students.

Mr. Speaker, it goes without saying that we will continue to work to keep our schools in a healthy condition for all of our teachers and students, but there is more—much more—that needs to be done. I have a list of my own. Having held this post once before, I am aware that we seem to be largely unaware of the need for refurbishing our infrastructure, from Dockyard to St. George’s. Like our buses, our bridges need attention. And, as a tourist destination in this 21<sup>st</sup> century, we must give thought to what that means.

Mr. Speaker, our architecture, stately old Bermuda buildings, our bridges, our historically unique forts are all in need of care and attention. We cannot do it all at once or even by ourselves. But I think that our seniors would remind us that where there’s a will, there’s a way! There is nothing like having a challenge to respond to. So, I have been considering what other way could we use to take care of our ageing infrastructure?

Mr. Speaker, as a country, we are blessed with a rich history of fortifications built by the British and still standing today. And 17 years ago, in the year 2000, St. George’s (our living 17<sup>th</sup> century town) won the title of UNESCO World Heritage Site, becoming one of only 1,073 such sites worldwide. The St. George’s designation reads as follows:

“Historic Town of St. George and Related Fortifications, Bermuda. The Town of St. George, founded in 1612, is an outstanding example of the earliest English urban settlement in the New World. Its associated fortifications graphically illustrate the development of English military engineering from the 17<sup>th</sup> to the 20<sup>th</sup> century, being adapted to take account of the development of artillery over this period.”

Mr. Speaker, this designation, while recognising “related fortifications,” recognised only those fortifications in the Parish of St. George’s. However, in this Island country, all fortifications, from St. George to Somerset, are related. Together, these unparalleled

groups of fortifications graphically illustrate English military engineering from the 17<sup>th</sup> century to the 20<sup>th</sup> century. All such fortifications, especially the largest at the old Royal Naval Dockyard, are related to St. George's and thus, are within the terms of the original designation of our World Heritage Site status.

Mr. Speaker, I will bring forward a motion that proposes that this omission be rectified with the inclusion of all remaining fortifications, from Hamilton Parish to Sandy's Parish, by way of a Supplemental Application to UNESCO, as the proposed additions fall within the terms of the original designation. This addition will help foster Bermuda's heritage tourism and underscore the cultural legacy and value of these built monuments to Bermuda and the world.

Mr. Speaker, Bermuda is unique in many ways. We often think that spending money on Parliament is actually spending money on the Members of Parliament—not so! We seldom think of such spending as maintaining our own architectural heritage. (I must admit that some changes are for matters of health, and therefore may benefit our MPs.) Recently, the Cabinet Building was renovated. To say that the work was needed would be an understatement; but it is not the only public building in need of attention. Located in the beautiful Botanical Gardens in Paget is Camden, the Premier's official residence. While the Parks Department does a wonderful job of keeping the natural beauty of the plants and flowers, Camden itself stands as an example of neglect. Mr. Speaker, this house, with its wooden upper veranda and beautiful vistas, is a prime example of Bermuda's built heritage. The building, like the Sessions House, used to be a part of our visitors' heritage tours.

And the Sessions House, with its beautiful Florentine finish, should not be left to fall apart bit by bit. [It is] located on the highest point in the City of Hamilton and [was] built in 1826, after the move of the capital from St. George's to Hamilton in 1815 made its construction necessary.

Mr. Speaker, these buildings could increase our heritage tourism. Tourists would come to see the Jubilee Clock built to commemorate Queen Victoria's Golden Jubilee in 1887 and installed in 1893. While the Ministry of Public Works will continue to take care of the more urgent items, I will create an avenue of outreach to the private sector by asking them to adopt a public building. Architecture, like everything else that attests to our history, has a place in our lives. Mr. Speaker, like our children, [public buildings] are a Bermuda treasure too, in need of care and attention. Who among you is willing to adopt a public building? We will have a list of such properties, available for your information, on the Government website. Mr. Speaker, we can do anything if we all work together.

Thank you.

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

Minister, I believe you have two more Statements?

### OVERGROWTH ON HIGHWAYS AND VERGES

**Lt. Col. Hon. David A. Burch:** Yes, Mr. Speaker; thank you.

Mr. Speaker, I rise this morning to provide this Honourable House with a report on [the overgrowth of vegetation on our roadside verges and highways](#). The roadside grass verges are maintained by the Department of Parks, whilst roadside vegetation is maintained by the Highways Section in the Department of Works and Engineering. It is the overgrowth of the roadside vegetation that has caused the greatest concern recently and [is] the source of at least 70 emails a week to my inbox.

Mr. Speaker, it should be noted straight away that not all roadside overgrowth is the responsibility of government to manage. Private landowners have an obligation to maintain their frontages to ensure that any vegetation that abuts, or encroaches upon, a highway is not a hazard to any user of that highway.

**The Speaker:** You should repeat that. Go ahead, Minister.

**Lt. Col. Hon. David A. Burch:** I shall do so, Mr. Speaker.

*[Laughter]*

**Lt. Col. Hon. David A. Burch:** Private landowners have an obligation to maintain their frontages to ensure that any vegetation that abuts, or encroaches upon, a highway is not a hazard to any user of that highway. Any vegetation that is within six feet of the edge of a highway needs to be regularly maintained to prevent it becoming a hazard to pedestrians and the motoring public.

One of the root causes of this current situation that has challenged the Ministry to control the growth of vegetation has been the banning of the use of herbicide. Following a directive from the Department of Environment and Natural Resources in May 2015, which prohibited the importation of herbicide containing glyphosate, meant that when the Highways Section ran out of supplies, there was no readily available alternative substance that could be used. This has meant that since 2015—or, in other words, for two years—no weed spraying has been carried out on the roadways and verges. As weed spraying is the first action to help prevent seeds from germinating and growing, it should come as no surprise to anyone why the country looks the way it does.

Mr. Speaker, I am pleased to report that, while maintaining the ban on concentrated glyphosate-based herbicides, the Department of Environment and Natural Resources will grant a licence to the Ministry

of Public Works [MPW] to import restricted, concentrated forms of glyphosate herbicide, with the condition that an Integrated Vegetation Management [IVM] plan is completed prior to the issuing of that licence.

**The Speaker:** Good, good.

**Lt. Col. Hon. David A. Burch:** An integrated pest—or, in this case, vegetation—management programme [IVM] is a system that strategically utilises mechanical, chemical, cultural, and biological methods. The result is the most efficient control plan customised to local conditions. [It] minimises negative impact to human health and the environment. There are also potentially significant cost savings to be had by implementing an IVM programme. The MPW has already implemented several elements of such a programme that will be further developed. Mr. Speaker, considerable research and monitoring have occurred both locally and internationally to support the use of glyphosate herbicide with certain conditions and monitoring, and those conditions will be met.

Mr. Speaker, the team responsible for road sweeping and vegetation cutting in the Highways Section has been limited by a lack of resources. This includes both labour and equipment resources. Historically, there have been three teams that carry out road sweeping and vegetation cutting that cover the eastern, central, and western parishes, respectively. Each team should comprise one foreman, one driver (who both drive), and six heavy labourers. With retirements and natural attrition, the teams are now eight labourers short, which has meant that, at times, teams have had to double up to make a viable work crew. This has slowed progress on keeping the roads clear. Even with a full complement of personnel, it is unlikely that a particular section of road will be attended to more than twice a year. Four vacant budgeted posts are available for the current budget, and recruiting to fill these posts is currently underway. To be clear—this is a sharp departure from the practice of the last four and a half years, when many posts went unfilled.

Mr. Speaker, loss of productivity from labour shortages has also been exacerbated by a shortage of trucks. The Ministry has suffered from not being able to replace trucks when they have reached the end of their roadworthiness. This has led to more frequent breakdowns and down times for the vehicles. This has affected both the mechanical sweeper brushes and trucks used by the crews to collect and transport vegetation to Marsh Folly. This also has had an effect on productivity. Typically, the crews have operated with one-half the number of trucks required, and at times only one truck between all three crews. Often, there has been no mechanical road sweeper in operation. The mechanical sweeper brush is important to quickly remove dust and sand from the road surface to make it safer, and also to help prevent vegetation from establishing itself on the road edge.

There is the added knock-on effect on flooding when it rains, as the lack of removal of soil, debris, and weeds causes drains to become clogged and leads to flooding. With the road sweeping and vegetation cutting crew being challenged to get around the areas that they are obligated to [clear], the situation has been made worse by the lack of diligence by certain landowners to do their part.

Mr. Speaker, the Ministry will make a more concerted effort in chasing those landowners who are delinquent in maintaining the frontages of their properties and will apply the appropriate penalties in accordance with the Public Lands Act.

**The Speaker:** Good. Yes.

**Lt. Col. Hon. David A. Burch:** Landowners are reminded that vegetation should be cut back at least six feet beyond the edge of the carriageway. The Ministry has also recently acquired a hedge-cutting machine, which, when it is working on the public roads, will help to facilitate operations.

Mr. Speaker, I will regularly keep this Honourable House updated on the progress that we are making to reduce overgrowth on our highways and verges.

Thank you, Mr. Speaker.

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

I think you have a final Statement?

**Lt. Col. Hon. David A. Burch:** I do, Mr. Speaker.

**The Speaker:** Yes. You can continue.

#### RELOCATION OF THE AIRPORT MAIL FACILITY

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I feel compelled to present a Ministerial Statement today in order to bring further clarity to the Statement made in this Honourable House two weeks ago by my colleague, the Honourable Lovitta Foggo, the Minister for the Cabinet Office with responsibility for government reform. Mr. Speaker, I apologise in advance for the length of this Statement, but it is essential that I provide the background to this situation.

It was in March 2016 that the Bermuda Post Office contacted the Department of Public Lands and Buildings with an enquiry regarding the future of their Mail Processing Centre. Investigation at that time revealed that the Department of Airport Operations [DAO] was seeking to put the [Airport Mail Processing Centre](#) [AMPC] on a 12-month tenancy agreement for their occupation of what was, at that time, a government-owned building under the purview of the Department of Public Lands and Buildings [DPLB]. It appears, Mr. Speaker, that it was at this point that DPLB were advised by DAO that the Airport Mail Processing Centre may have to relocate as part of the airport re-development project.

Mr. Speaker, this may sound like a scenario for *How Not to Run a Government*, but this is far more serious. In fact, there is nothing to laugh about in this entire situation. It was at this point that DPLB, on behalf of the Bermuda Post Office, reached out to the Department of Airport Operations “to establish what were the long-term plans for the Airport Mail Processing Building as part of the airport redevelopment?”

Initially, information was scarce, but it became apparent as the airport redevelopment plan progressed that the former Government had included the existing Airport Mail Processing Centre building within the lease for the airport property. Mr. Speaker, to say that the airport contract negotiated by the former Government is a *gift that keeps on giving* would be an understatement. It was at this point that DAO asked the DPLB whether they had government space within which to relocate the airport mail processing facility. Mr. Speaker, the answer to that question was no.

In June/July 2016, apart from not having any spare warehouse space for the Airport Mail Processing Centre, the DPLB noted that relocating the Airport Mail Processing Centre should be the responsibility of the DAO and/or Aecon as part of their project, as, ultimately, the Minister of Transport has a statutory obligation, under the existing Civil Airports Act 1949, section 4(5), to secure the mail-handling function at the airport.

Mr. Speaker, I apologise if this Statement is sounding more and more like a comedic screenplay, but these are the facts revealed as we follow the series of actions that have led us to this point. Mr. Speaker, here is where we are in this comedy of errors. DAO were unable to provide any suitable alternative accommodation at the airport, and the redevelopment agreement had been completed on the basis that the Airport Mail Processing Centre building would be vacated by the 30<sup>th</sup> of September 2017.

At this point, with a deadline for action and contractual penalties (market rent for the building if not out by the 30<sup>th</sup> of September 2017 and a \$600,000 penalty, plus continued market rent if not out by the 31<sup>st</sup> of December 2017) in place if these deadlines were not met, Project Co determined that the Department of Public Lands and Buildings and the Bermuda Post Office would solve the relocation issue.

Thus, the Estates Section, the Architects Section, and the Bermuda Post Office began to consider modifying an existing plan to renovate the General Post Office’s Customer Service Hall and basement to make it suitable for long-term occupation by the Airport Mail Processing Centre and the Customs facility. This work included:

- renovation of the ground floor customer service hall;
- upgrading the post office counters so that parcel service counters could be transferred from the basement level;

- upgrade to the philatelic counter;
- new office accommodation for staff;
- meeting rooms;
- a new mail processing floor;
- new customs area; and
- upgraded staff welfare facilities on the basement level.

Mr. Speaker, it became obvious to the Estate Officer (as it must be to you, just listening to me) that there were many moving parts to this project and that the scale of the task would benefit from the appointment of a project manager. The Chief Surveyor and Permanent Secretary of Public Works agreed with this approach. Accordingly, at the next project meeting, this was discussed between the Estates Officer, Architects Section, and Bermuda Post Office, and they agreed that a project manager would be most effective if he were appointed as part of a construction contract. As such, the appointment of a project manager was deferred until such time as the architects had the initial design completed and planning permission in place.

Mr. Speaker, in the meantime, during May 2017, the appointment of a new contract manager at the Bermuda Airport Authority gave the client and Estates Officer an opportunity to review the progress made to date, and reinforced the project deadlines and penalties for remaining in the existing airport mail facility building. It became apparent that, at this stage, a plan “B” was needed, as the renovation of the General Post Office building would not be deliverable on time. In fact, the budget to fund the project had not yet been requested from Cabinet.

Shortly after that meeting, the estimated budget cost for the preferred option (redevelopment of the basement level of the General Post Office) was confirmed by Government’s in-house Quantity Surveyor as being in the region of \$1.8 million to \$2.3 million. Mr. Speaker, this quote was provisional, as the full cost of the required air conditioning upgrade work could not be accurately estimated due to the nonexistence of mechanical and engineering plans for the General Post Office Building.

By this time, with no capital funds budgeted for this project and no supplemental budget, it was decided to look for alternative solutions. The Estates Officer conducted a market search for any suitable vacant space. By the first week in July 2017, four options had been inspected with the Bermuda Post Office Facility and Operations Managers. Let us look at some of the scenarios examined:

#### Option 1—Relocate to the General Post Office Building

Pros are as follows:

- ✓ improved customer experience;
- ✓ separate mail processing area, kitchen and bathrooms for HM Customs staff; and

- ✓ no long-term rent liability.

Cons are as follows:

- high-cost capital project (estimate between the previously stated \$1.8 million and \$2.3 million);
- no capital money budgeted for this uncheduled real estate project;
- realistic delivery of this project at 12 to 18 months;
- [duration] of project means deadlines imposed by the airport contract would not be met; therefore, the total cost would be \$2.4–\$3 million, inclusive of the \$600,000 penalty, plus market rent for the period of time that the Airport Mail Processing Centre building remains occupied;
- no parking for General Post Office vans/trucks that currently park in the secure compound at the airport; and
- the capital cost of this project does not include future maintenance liability.

#### Option 2—Relocate the Airport Mail Processing Centre to the New Venture Building at Mills Creek, Pembroke

Pros are as follows:

- ✓ The building is empty and can be made available at short notice;
- ✓ Moving into this building in a timely manner would allow us to meet the deadline to vacate;
- ✓ The property provides warehouse space, a mezzanine level and office accommodation;
- ✓ The warehouse and office spaces are fully air conditioned;
- ✓ The space is large enough to accommodate the Airport Mail Processing Centre, the General Post Office functions, and the Bermuda Post Office administrative functions;
- ✓ The location, outside of Hamilton, means there is parking and the rents are considerably cheaper; and
- ✓ The maintenance liability is shifted from government to the landlord.

Cons are as follows:

- This is the most expensive rental option, at \$25,000/month, plus service charge, due to the large footprint and high-quality fit-out;
- In times of heavy rain, the area tends to become flooded;
- Access docks are raised for containers or large trucks; a solution would have to be reached to overcome this issue; and
- There is limited staff parking.

#### Option 3—Relocate to Davison's Warehouse, 16 Ferry Reach, St. George's

Pros are as follows:

- ✓ This is the cheapest rental option, at \$12,000/month;
- ✓ The property is located close to the existing AMPC location;
- ✓ There is a large shared yard and plenty of roller-shutter access doors into the accommodation;
- ✓ There is some office accommodation (basic drywall construction), which could be easily reconfigured;
- ✓ There are additional units in the building, which could be acquired if necessary;
- ✓ The loading bays are accessible; and
- ✓ The maintenance liability is shifted from government to the landlord;

Cons are as follows:

- The fit-out work would likely delay occupation of the property, possibly beyond the deadline of the airport contract;
- The space is partially air conditioned, and any fixture, such as additional air conditioning systems, would be the liability of the tenant; and
- The toilets in this unit would not meet current Occupational Safety and Health Regulations for the number of staff.

#### Option 4—Relocate to Somers Warehouse, Cemetery Road, Pembroke

Pros are as follows:

- ✓ The rental is \$15,000/month;
- ✓ The property is close to the City of Hamilton;
- ✓ There is a secure yard for a limited number of vehicles;
- ✓ There are a couple of pre-existing rooms, which could help to provide Customs with a separate mail processing area; and
- ✓ The maintenance liability would belong to the landlord.

Cons are as follows:

- There is limited space for staff parking;
- Access to the warehouse is via a raised loading dock;
- There is no air conditioning on the first floor;
- There are no bathrooms on the first floor; and
- The bathrooms on the lower floor would not meet the Occupational Safety and Health Regulations for the number of staff needed to operate from this area.

Mr. Speaker, by this time, it has become clear that we are between a rock and a hard place. The deadline for the Airport Mail Processing Centre to be out of its space at the airport was September 30<sup>th</sup>, and



here I am on October 6<sup>th</sup>, explaining how Bermuda was placed in this situation.

Mr. Speaker, any proposed option has to meet both the operational and security needs of both the Bermuda Post Office and Her Majesty's Customs.

The newly created Bermuda Airport Authority is the only government stakeholder with direct access to the developer, Aecon, and the Airport Operator, Skyport, who must be kept informed of progress being made to relocate the Airport Mail Processing Centre.

Mr. Speaker, at this point, I want everyone who hears my voice to understand the situation in which we find ourselves. We are six days past the time we were supposed to be out of the building that we thought was ours. Aecon has the contractual right to start charging rent, and they have so far taken a tough stance on this issue, noting that the Airport Mail Processing Centre building is required as an integral part of their project plans.

Let us be clear. Aecon has the contractual right to start charging rent right now—that is what their contract states. Although they have not provided an indication of their market rental expectations, we have done our own calculations, based on recent market evidence at Southside—\$15 per square foot for warehouse space and \$25 per square foot for office space. So, a monthly charge of \$17,700, plus service charges, would be a reasonable estimate, from our viewpoint. Obviously, the Minister of Finance would prefer to avoid any penalties as a result of the Airport Mail Processing Centre remaining in their current location until December 31, 2017.

Mr. Speaker, I take my ministerial duties seriously, and I believe that it is important to ensure that you, my colleagues, and the public at large understand just how we got into this situation and why it was important to give you all of the details and timelines concerning how a government department housed in a government-owned building could be charged rent (and possibly, penalties) by a 100 per cent foreign-owned company.

In spite of the Budget Debate in March of this year, there was no mention of needing to fund and relocate the Airport Mail Processing Centre. I understand that the public will wonder how the repeated phrase, *The airport redevelopment will not be a burden on the taxpayer*, has been transformed into Government paying for essential, unbudgeted items, from the public purse.

Mr. Speaker, this matter was first brought to my attention at a joint meeting with key stakeholders on the 11<sup>th</sup> of August 2017. Since that time, we have worked diligently to secure the best result from this sorry situation. I can report that the lease for New Venture House was signed yesterday and the fit-out works are progressing.

Mr. Speaker, I expect the move to occur before the end of this month, and I shall keep this Hon-

ourable House advised of the outcome of this sorry tale and the ultimate costs to the Bermudian taxpayer.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Thank you, Minister. There are no further Statements from Ministers or Junior Ministers.

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

## QUESTION PERIOD

**The Speaker:** Question Period. We have Members who have indicated that they have questions for the Ministers with reference to their Statements. And as Members know, this period will last for 60 minutes, if it goes that long. And we are now at 11:31.

The first Statement for which questions have been indicated is that of the Deputy Premier on his Statement regarding the International Shipping Week. And the question is from the Honourable Member from constituency 22. The Honourable Member, Dr. Gibbons, you have the floor.

### QUESTION 1: LONDON INTERNATIONAL SHIPPING WEEK AND THE CAPITAL LINK SHIPPING, MARINE SERVICES & OFFSHORE FORUM—BERMUDA AND THE SHIPPING INDUSTRY

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

Mr. Speaker, the question I have for the Honourable Member is in relation to his London trip. Apart from delivering his talking points and, obviously, meeting members of industry over there, what useful information did he receive as to how we might improve our shipping registry or our competitiveness in this particular sector?

**The Speaker:** Deputy Premier, you have the floor.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

The answer is that this work is going on with the Bermuda Maritime and Shipping Authority. Our discussions with existing clients and partners, the private partners of Bermuda, were that they were pleased with the work that is being done to ensure that the registry remains at a high standard, and that there were no specific details that were actually outlined other than every effort will be made to ensure that we are competitive with those other jurisdictions which are in the same space, which is why I mentioned about the push into Asia. And those with whom we had discussions were pleased with their interactions and work with the registry, and we intend to keep that at a high level at all times.

**The Speaker:** Thank you, Minister.  
Any new questions or supplementary?

**Hon. Dr. E. Grant Gibbons:** It is a supplementary, Mr. Speaker.

**The Speaker:** Supplementary? Yes.

#### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** As shipping is certainly a worldwide industry, would the Minister be able to comment as to whether there were any requests for, I will say, a Far East office to be set up for the shipping inspection for the new register?

**The Speaker:** Minister.

**Hon. Walter H. Roban:** No specific requests. But that is our intention, to look to Asia as an area of opportunity [for] the registry itself.

**The Speaker:** Thank you, Minister.  
Any further questions or supplementary?

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker. It is going to be a further question.

**The Speaker:** Okay, second question.

#### QUESTION 2: LONDON INTERNATIONAL SHIPPING WEEK AND THE CAPITAL LINK SHIPPING, MARINE SERVICES & OFFSHORE FORUM—BERMUDA AND THE SHIPPING INDUSTRY

**Hon. Dr. E. Grant Gibbons:** Yes. The question is that, in his Statement, I think it is on page 8, the Minister comments about a space industry Bill that is currently before the United Kingdom Parliament. Has the Minister had a chance to review this Bill? And does it present any constraints or challenges with respect to our own space industry?

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

**Hon. Walter H. Roban:** No. But we are working with the British Government to deal with any issues that might arise.

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

**Hon. Dr. E. Grant Gibbons:** Yes, supplementary. Thank you, Mr. Speaker.

**The Speaker:** Yes.

#### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** The Minister says no. Does he mean no, he has not reviewed it? Or no, as far as he can tell, there are no constraints or issues that should arise that would affect our register?

**The Speaker:** Yes. Minister.

**Hon. Walter H. Roban:** To the question about review, yes.

**The Speaker:** Yes, it has been reviewed. Okay.  
No further questions?

The next Statement that Members have indicated they have questions on would be that of Minister Brown. Minister Brown, it is on your first Statement. And we have questions from the Honourable Member from constituency 7. Honourable Member Richards, you have the floor.

#### QUESTION 1: PROGRESS ON IMPROVING THE CARE AND MANAGEMENT OF DOGS

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

Can the Minister advise this Honourable House if the government dog wardens are confiscating and euthanising illegally bred pit bulls—dogs and puppies?

**The Speaker:** Minister.

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

Mr. Speaker, that was not covered by my Statement, but I will indulge the Honourable Member, my friend.

Pit bulls and any illegal dogs will be confiscated, and they have been confiscated. Given that I do not support the death penalty, no dogs will be euthanised unless there is an absolute necessity for it to be done.

**The Speaker:** Supplementary? Yes.

#### SUPPLEMENTARY

**Mr. Sylvan D. Richards, Jr.:** Supplementary, Mr. Speaker.

Given that the Minister is not in favour of euthanasia, is he prepared to extend the periods that owners have to arrange for the deportation of these animals from four days to maybe fifteen days, given that he does not support euthanasia, and deportation of these animals is an option?

**The Speaker:** Minister.

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

The Honourable Member will know that the entire purpose of my Statement was to talk about a continued public consultation process. So I would invite the Honourable Member to attend the public meetings next week to help contribute toward the policy development framework. And those matters, along with others, will be adequately and properly addressed.

We recognise the sensitivity on these issues, but prior to coming to a policy position, we will consult widely. The next step, of course, is with the public.

**The Speaker:** Thank you.

Supplementary?

No further questions. We now move on to your. . .

*[Inaudible interjection]*

**The Speaker:** You have a question?

**Mr. N. H. Cole Simons:** Yes.

**The Speaker:** We recognise the Honourable Member from constituency 8. Honourable Member Simons, you have the floor.

**Mr. N. H. Cole Simons:** What is the current status of the draft amendment legislation for the 2008 Dogs Act? I understand it was near completion. So, can you give the House and community an update, please?

**The Speaker:** Member, I am not sure that was part of the Statement that was written. So we will pass on that question. It did not fall in the parameters of the Statement, I should say.

No further questions on that Statement?

The next Statement, Minister Brown, is yours as well. We have two Members who have indicated that they have questions for you. The first Member is the Member from constituency 24.

Member Scott, you have the floor.

#### **QUESTION 1: BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017**

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the Minister could explain why his Ministry is taking this action now at this point in time.

**The Speaker:** Minister.

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

The rationale behind this proposed legislation, Mr. Speaker, is to ensure that the intent of the law is fully and properly recognised in law—i.e., that Bermudians come first in the country, according to the Constitution; and secondly, that those who are here as

guests in our country cannot and do not have the same rights in all respects, from a legal standpoint, as Bermudians.

**The Speaker:** Any further questions or supplementary?

Okay. We have another Member who has a question for you on this Statement, Minister. And it is that of the Opposition Leader, the Honourable Member from constituency 23.

Opposition Leader, you have the floor.

#### **QUESTION 1: BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017**

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

Mr. Speaker, to the Minister, I wonder if he could advise whether there are any Supreme Court or Immigration Appeal Tribunal decisions that have helped to solidify the position to make this particular change on this legislation.

**The Speaker:** Minister.

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

Obviously, any proposed Bill comes out of the particular context. And the context that we are confronting today is a number of questions that have been raised from a legal standpoint. And it is important for this piece of legislation to ensure that the Immigration and Protection Act does, in fact, have primacy over the Human Rights Act, as it is a direct result of a number of litigious matters that have had rulings and are pending in terms of rulings.

**The Speaker:** Any supplementary?

No supplementary.

Supplementary or new question?

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** Supplementary.

#### **SUPPLEMENTARY**

**Hon. Patricia J. Gordon-Pamplin:** Could the Minister then explain how many outstanding appeals there are on his desk to look at in respect of those matters which he indicated are litigious, giving rise to this activity?

**The Speaker:** Minister.

**Hon. Walton Brown:** Mr. Speaker, there are no outstanding matters on my desk.

**The Speaker:** Thank you.

Any supplementary, or further, questions?

**Hon. Patricia J. Gordon-Pamplin:** I have a further question. I have a second question.

**The Speaker:** Okay. Your second question. Continue.

#### **QUESTION 2: BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017**

**Hon. Patricia J. Gordon-Pamplin:** Yes. If the Minister could advise, from the appeals that he may have satisfied, what are the categories of work that are represented by the appeals that have come? In other words, to say that people are expecting to have primacy . . . not primacy, but expecting to have priority over Bermudians, therefore, they are being represented by attorneys. What categories of work are we talking about?

**The Speaker:** Minister.

**Hon. Walton Brown:** Mr. Speaker, I am advised by a lot of lawyers that when a matter is *sub judice*, you are not supposed to speak about it. I am not sure that applies to lawyers and everybody else. But we have parliamentary sovereignty to speak on matters that we see fit, correct, Mr. Speaker? Yes.

**The Speaker:** We can be guided by that, yes, on this matter.

**Hon. Walton Brown:** I will be guided by that.

What I will say is if you look at the Immigration and Protection Act, which has as its fundamental purpose to protect and promote the interests of Bermudians, and you juxtapose that piece of legislation with the Human Rights Act of 1981, you will see where some of the provisions of the Human Rights Act, which talk about non-discrimination based on any number of factors, can be seen in an abstract sense as being pervasive in the community; it applies to everyone.

Whereas the Immigration Act, by its very nature, is meant to treat Bermudians differently from others. That is why it is called the Bermuda Immigration and Protection Act, as is the case in every other country. So when you have these two principles colliding, there is need for clarity.

**The Speaker:** No further questions?

Okay. The next Statement that Members indicated they had questions on would be from the Minister of Health.

Minister of Health, you have two Members who have indicated that they would like to ask questions, the first being the Honourable Member from constituency 22.

Honourable Member Gibbons, you have the floor.

#### **QUESTION 1: ASSISTANCE FROM THE PAN AMERICAN HEALTH ORGANIZATION FOR HEALTH WORKFORCE PLANNING AND COLD CHAIN TRAINING**

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

Mr. Speaker, on page 7 of the Minister's Statement, she refers to "areas for improvement, identified by the experts, [which] will enable the inclusion of new vaccines to the Bermuda Child and Adult Immunisation Schedules."

The first question is, What were the areas that were identified by experts, needing change?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Yes, Mr. Speaker; thank you.

There was an issue with respect to the refrigeration and the volume in which the current facilities can keep the number of vaccines. So that is certainly an area that has to be identified, and that was identified by PAHO with respect to the size of the refrigeration units.

**The Speaker:** Supplementary or new question?

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** Go ahead.

**Hon. Dr. E. Grant Gibbons:** Yes, supplementary.

#### **SUPPLEMENTARIES**

**Hon. Dr. E. Grant Gibbons:** Would the Minister care to state whether the current methods of refrigeration present any problems for existing vaccines which need to be kept cold?

In other words, have there been any deficiencies identified, or is this simply an incremental improvement?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Yes, thank you, Mr. Speaker.

No. There were no deficiencies that were identified with respect to the cold storage and the facility itself. The issue that was raised was the size of the facility and whether or not it was meeting its full capacity with respect to the existing vaccinations that were here. But they were suggesting that, for future, it should be a bigger refrigeration system so that it can accommodate more vaccines.

**The Speaker:** Okay. Supplementary or new question?

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** Supplementary. Go ahead.

**Hon. Dr. E. Grant Gibbons:** Is the Honourable Member referring to the refrigeration unit under the pharmacies' warehouse? Or are we talking about something else?

**The Speaker:** Minister.

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

My understanding is it is actually with respect to the refrigeration [unit] that is currently held at the Department of Health.

**The Speaker:** New question?

**Hon. Dr. E. Grant Gibbons:** New question.

**The Speaker:** Yes.

**Hon. Dr. E. Grant Gibbons:** A new question, Mr. Speaker.

**The Speaker:** Go ahead.

**Hon. Dr. E. Grant Gibbons:** Sorry. I was interrupted by my colleague. I was not sure whether she had a supplementary or not.

**The Speaker:** Oh.

#### QUESTION 2: ASSISTANCE FROM THE PAN AMERICAN HEALTH ORGANIZATION FOR HEALTH WORKFORCE PLANNING AND COLD CHAIN TRAINING

**Hon. Dr. E. Grant Gibbons:** So, the second question I have is, Could the Honourable Member speak to which new vaccines she is referring to in the Statement?

**The Speaker:** Minister. Do you need the question repeated, or are you okay, Minister?

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

As the Statement indicates, Mr. Speaker—and I will endeavour to get more information, if need be, for the Honourable House and this Chamber—if the Bermuda Advisory Committee on Immunisation recommend that certain vaccines be utilised here in Bermuda, then the Ministry of Health, and particularly the Department of Health, is committed to ensuring that those vaccines are brought on-Island so that they can be distributed to those persons in need.

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

**Hon. Dr. E. Grant Gibbons:** Supplementary, yes.

**The Speaker:** Go ahead.

#### SUPPLEMENTARIES

**Hon. Dr. E. Grant Gibbons:** Would the Honourable Member be aware that the shingles vaccine—and, as we all know, shingles affects a lot of people, particularly elderly ones—is not currently available due to refrigeration?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Yes, Mr. Speaker.

Actually, that information is incorrect. The shingles vaccine is not currently available in Bermuda because there is a worldwide shortage of shingles vaccines. And Bermuda, as I have indicated in my Statement, does receive our vaccines through PAHO. We have received them, but there is a worldwide shortage of shingles vaccines.

**The Speaker:** Shortage . . . sounds good.

**Hon. Kim N. Wilson:** So, regrettably, Bermuda is not the only country that is suffering from that particular issue.

**The Speaker:** Thank you.

Supplementary or further question?

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** Yes.

**Hon. Dr. E. Grant Gibbons:** I am not sure if the Honourable Member is aware, but the shingles vaccine needs to be kept frozen and thawed just before it is injected. And my understanding was that this was an issue. You can walk into a pharmacy in New York, and you can get a shingles vaccine. But I understand the issue really was being able to keep it frozen here. And I think anything that can be done would help in that. So if the Honourable Member could put that on her list, or maybe I should ask, is that—

**The Speaker:** Now, you have got to put it into question form. Do you have a question for the Minister?

**Hon. Dr. E. Grant Gibbons:** Well, is shingles on the Honourable Member's list?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Again, Mr. Speaker, the issue concerning shingles and the unavailability for us to keep the current supply that is needed in Bermuda has nothing to do with refrigeration. It is because there

is a worldwide shortage. The Department of Health are keenly aware of that issue and are doing what they can to address it.

**The Speaker:** Thank you, Minister.  
New question?

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** You had two supplementaries.

**Hon. Dr. E. Grant Gibbons:** Okay, new question then, Mr. Speaker. Sorry.

**The Speaker:** New question.

**Hon. Dr. E. Grant Gibbons:** Sorry, I will negotiate.

*[Laughter]*

**The Speaker:** Your last question. Go ahead.

**QUESTION 3: ASSISTANCE FROM THE PAN  
AMERICAN HEALTH ORGANIZATION FOR  
HEALTH WORKFORCE PLANNING AND COLD  
CHAIN TRAINING**

**Hon. Dr. E. Grant Gibbons:** Yes. My last question.  
Can the Honourable Member say whether any shingles vaccine has actually been used in Bermuda?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** I do not have that information in front of me, Mr. Speaker, but I will endeavour to get it. And once it is received, I will bring that back to the Honourable Member and alert him accordingly.

**The Speaker:** Thank you.  
No, you have used all of yours.  
The other Member who indicated that she had questions would be the Honourable Member from constituency 20. The Honourable Member, Ms. Jackson, you have the floor.

**QUESTION 1: ASSISTANCE FROM THE PAN  
AMERICAN HEALTH ORGANIZATION FOR  
HEALTH WORKFORCE PLANNING AND COLD  
CHAIN TRAINING**

**Ms. Susan E. Jackson:** Good morning, Mr. Speaker.  
I have a question for the Minister around pandemic vaccines, if we had a pandemic. So, what kind of storage would be available for either private enterprise that needed to store vaccines, as well as government storing vaccines if there were a pandemic?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Yes, Mr. Speaker.

The vaccines do require certain refrigeration. As I have indicated before, the Department of Health does have the vaccines at refrigeration levels. I cannot answer whether or not other facilities that house vaccines . . . what the requirements are, what their facilities are. I can speak for the Department of Health. As I have indicated, they do have this refrigeration so that the vaccines, as well as if there was any type of health crisis that would require . . . such as flu vaccines and the like . . . they do have the facilities.

The challenge that we are met with, as has been identified [as of] the second week of September, with PAHO representatives here, is that there is an issue of storage. And that is in the event we were requiring a huge supply of vaccines, we need to address that storage issue with respect to refrigeration.

**The Speaker:** Thank you.  
Follow-up question, or supplementary?

**Ms. Susan E. Jackson:** It is a new question.

**The Speaker:** A new question? Okay.

**QUESTION 2: ASSISTANCE FROM THE PAN  
AMERICAN HEALTH ORGANIZATION FOR  
HEALTH WORKFORCE PLANNING AND COLD  
CHAIN TRAINING**

**Ms. Susan E. Jackson:** Minister, I am just addressing a sentence you have in here that . . . this is speaking now about the Health Workforce Planning Project. And it says here that we would need to attract additional qualified professionals, basically, from overseas.

What would be done to protect Bermudians should the market become saturated with qualified non-Bermudians coming in to fill these roles? What would be done to protect the Bermudian?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Mr. Speaker, I can say that this Government's . . . one of the priorities of this Government, and no doubt one of the reasons why we sit on this side of this Honourable Chamber, is that we have indicated through our platform, as well as through other Statements, that what we will do first and foremost is ensure that Bermudians' jobs are protected and that Bermudians, qualified Bermudians, have first opportunity to be employed, rightfully so, in their country of origin.

However, as I have indicated in the Statement, there is a worldwide shortage, Mr. Speaker, of nurses. Currently, we have almost, probably, just over a third of the nurses in our health care system who are Bermudian. Regrettably, they are ageing. So we do need to do what we can to attract Bermudians, not

just in nursing, but in other areas of the health care profession.

If the time should ever come, and we are basing it on projections . . . but if the time should ever come that we saw that we were inundated with Bermudian skilled nurses, we would not be going to my colleague to the right to be asking him to issue work permits. Because, again, this Government's commitment is to ensure that Bermudians come first in their place of birth, place of origin, as it relates to employment.

Thank you.

**The Speaker:** Thank you.

Supplementary or new question?

**Ms. Susan E. Jackson:** A supplementary.

**The Speaker:** Supplementary.

### SUPPLEMENTARY

**Ms. Susan E. Jackson:** Minister, what is being done to identify and track Bermudians living overseas who are qualified in the health care profession, who would like to come to Bermuda, but cannot because there are qualified technicians that are non-Bermudian . . . or, not technicians, but members of the professions who are non-Bermudian?

**The Speaker:** Minister.

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

I do not wish to try to be unhelpful to the Honourable Member, but in addition to that not being on my Statement, the subject matter of my Statement, it is a question better suited to the person to my right, who is responsible for immigration.

**The Speaker:** Supplementary?

Supplementary.

### SUPPLEMENTARIES

**Mrs. Jeanne J. Atherden:** My question to the Minister is, While we are trying to promote workforce development and we are trying to make sure that we have the workforce planning, what, if anything, is being done to try and make persons understand when areas become saturated? Because sometimes, we have the situation where there is saturation, or, if you will, there is going to be saturation, especially if you are able to plan and understand the way the industry is going?

**The Speaker:** Minister.

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

Mr. Speaker, again, that is a question that may be better suited for the Minister responsible for

workforce development, as his Ministry does have that department that does the tracking with respect to projections.

However, what I can add, as it relates to the Statement and health, is that the whole objective of the Health Workforce Planning Project is so that we can clearly identify the gaps in our workforce as it relates to health and what the needs will be. And that information will be collected. We are asking students who are interested in pursuing various careers within the health field for them to reach out to the representative professional bodies, such as if you are interested in studying physiotherapy, there is a physiotherapy body and the like, so that they can also be kept abreast of which students are away, learning these particular areas. And more importantly, what are the projections? What are the needs going to be in the future?

Again, I can speak specifically to the Health Workforce Planning, but insofar as overall projections and the needs of the community as it relates to employment and the like, my colleague three seats to my left is probably more suited to answer that question.

**The Speaker:** Thank you.

Supplementary.

**Mrs. Jeanne J. Atherden:** Yes, I have a supplementary.

Because the Minister was differentiating between workforce planning and the health industry, I just wonder whether the Minister will acknowledge that oversaturation sometimes affects the industry as it relates to persons coming back to Bermuda and wanting to open up businesses. So it is very important, from the health perspective, the health system, to make sure that we try not to have oversaturation, because then that creates some systemic issues as it relates to utilisation.

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** I agree with the statement. That was not a question. But I do agree with the statement of the [Member].

**The Speaker:** Thank you.

There are no other Members who have indicated that they had questions on that particular Statement, so we will move on.

The next Statement that Members have indicated that they wish to ask a question on is that of the Honourable Minister of Education on your Statement in reference to the National Training Board. We have one Member, and that is the Member from constituency 24.

The Honourable Member, Mr. Scott, you have the floor.

**QUESTION 1: NATIONAL TRAINING BOARD  
ANNUAL REPORT 2016/17**

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Mr. Speaker, if the Minister would be able to answer the question that, it seems as though in July 2016, there were promises made by the previous administration that have not been kept a year later. Can he explain if there are promises, that all of their promises that they made in July 2016 were kept, or not?

**The Speaker:** That's broad. Minister? Kind of broad, but . . .

**Hon. Diallo V. S. Rabain:** Mr. Speaker, could I ask just for some clarification of which part of the Statement you are referring to?

*[Laughter]*

**Hon. Dr. E. Grant Gibbons:** I could not figure that out, either.

**The Speaker:** If you could narrow it down, narrow your question down a bit. I think it was a little broad for the Minister.

**Mr. W. Lawrence Scott:** I am talking about when it comes to certification. The previous administration made promises that there were going to be certain certifications that were going to be put in place, back in July 2016, and they gave a timeline. I just want to know if the Minister can highlight if those promises have been kept.

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

Mr. Speaker, my honourable colleague is referring to a Ministerial Statement that was made in this House in July 2016. And in that Ministerial Statement, it was stated that by August 1<sup>st</sup>, 2016, there would be a policy in place where any persons coming to Bermuda in the designated categories would have to have their credentials checked prior to a work permit being issued. And any persons who were already in Bermuda who had not had their credentials checked would have them checked by September 1<sup>st</sup>, 2016. To date, that policy has not been put in place, nor have any of those work permit holders who are working within the designated trades in Bermuda been checked yet.

**Hon. Patricia J. Gordon-Pamplin:** Supplementary.

**The Speaker:** Supplementary?

**SUPPLEMENTARIES**

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

I wonder if the Minister would be good enough to explain where the progress is on the implementation of that. Because that is something that had been put in the works in conjunction with the Department of Workforce Development and the Department of Immigration to ensure that any new applications that were coming in had that vetting before any permits were actually issued. So I wonder if the Minister could just explain where that process is.

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

I am happy to explain where that process is. At some point after March 31<sup>st</sup>, 2017, a policy was in place that invited any work permit holders who were existing in Bermuda to submit their documentation for vetting. To date, those who have brought their information in have not been vetted. The information is at the Department of Workforce Development, but it has not been looked at yet.

**The Speaker:** Supplementary?

**Hon. Patricia J. Gordon-Pamplin:** Supplementary.

**The Speaker:** Yes.

**Hon. Patricia J. Gordon-Pamplin:** Yes. Is there sufficient personnel available in the Department of Workforce Development in order to be able to adequately address those delinquencies that now exist?

**The Speaker:** Minister.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

To date, we have not added any additional staff since the previous administration. On September 1<sup>st</sup>, I met with . . . in September, I met with Workforce Development, and they have a deadline of October 31<sup>st</sup>, and they will make that deadline.

**The Speaker:** Thank you.

No further questions?

The next Statement that Members indicated they would like to question the Ministers on is that of the Minister for National Security. There are two Members who have indicated that they have questions. The first is from the Honourable Member from constituency 22.

Honourable Member Gibbons, you have the floor.



### QUESTION 1: MINISTRY OF NATIONAL SECURITY—UPDATE

**Hon. Dr. E. Grant Gibbons:** Yes, thank you, Mr. Speaker.

Mr. Speaker, actually, there are no page numbers on this Statement. But on page 3, the Honourable Member speaks to the Royal Bermuda Regiment assuming responsibility for inshore maritime patrolling from the police and that becoming a reality. He goes on to say the necessary posts are approved. Could the Honourable Member say how many posts have been approved, presumably by Cabinet?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Fourteen.

**The Speaker:** Thank you.  
Supplementary or new question?

**Hon. Dr. E. Grant Gibbons:** Supplementary.

**The Speaker:** Yes.

#### SUPPLEMENTARY

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

The supplementary is, Will there be a reduction in the number of police posts to offset the increase in the regiment posts?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, this is a work in progress. As you can imagine, there have to be Acts that are amended [such as] the Act that governs the Bermuda Regiment. And so, we are looking at both budgets. And obviously, when we look at what is happening in the budget [with] the police and the budget with the Bermuda Regiment, we will be able to bring to this most Honourable House at budget time an exact understanding of what is going to happen and a time frame for doing so.

**The Speaker:** Thank you.  
Supplementary or new question?

**Hon. Dr. E. Grant Gibbons:** Supplementary, Mr. Speaker.

**The Speaker:** Supplementary. Yes.

**Hon. Dr. E. Grant Gibbons:** Yes, thank you.

Could the Honourable Member state what the approximate costs will be of the 14 posts which he refers to?

**The Speaker:** Minister.

**Hon. Wayne Caines:** We cannot give an approximate number at this time. As we know, if you look at this as a continuum, the Bermuda Police Service right now has the responsibility for maritime patrol, Mr. Speaker, inshore maritime patrol. The plan is to look and see what all the costs are. So there are a number of costs that are encapsulated within this move. And so, what we are doing is we are looking at the cost of housing the boats, the actual boats, and for the salaries. And then we are going to put together a projected plan. And when we have every “i” dotted and every “t” crossed, we will bring to this Honourable House the plan, going forward, for every element of this move, Mr. Speaker.

**The Speaker:** Thank you.  
A new question?

**Hon. Dr. E. Grant Gibbons:** I have a new question.

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary.

**The Speaker:** Is there a supplementary on this?

**Hon. Patricia J. Gordon-Pamplin:** I have a supplementary, yes. Yes, sir.

**The Speaker:** We recognise the Opposition Leader.  
Madam Opposition Leader, you have the floor.

#### SUPPLEMENTARY

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

Mr. Speaker, the Honourable Member indicated that they are looking at all the things, the moving parts, to make the whole before a final report is brought. Can the Honourable Member advise the Honourable House what are the present expenses that he is looking at to be able to consolidate in order to determine how many are likely to be shifted? In other words, you said that there is going to be housing of marine things, and the personnel. What are the existing charges that you are looking at?

**The Speaker:** Minister.

**Hon. Wayne Caines:** The obvious ones, salaries. And looking how . . . we are not in a position. We know what the cost is for a police constable, a police constable's salary. And we are looking at getting those measurable costs for a private soldier, looking at those specific costs and working them through. It would not be prudent at this stage to give those costs, as we are working a budget. And we will have a detailed plan, which includes the finances that we will bring before this Honourable House at the appropriate

time, and we have the appropriate and the robust debate with reference to the budget for the Bermuda Regiment taking over inshore maritime policing, sir, Mr. Speaker.

**The Speaker:** Thank you.  
New question?

**Hon. Dr. E. Grant Gibbons:** New question, Mr. Speaker.

**The Speaker:** New question from constituency 22.  
Mr. Gibbons, Honourable Member, continue.

### QUESTION 2: MINISTRY OF NATIONAL SECURITY—UPDATE

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker.  
Mr. Speaker, the Honourable Member notes in the Statement, and in the response he gave a couple of questions ago, that there will be, obviously, a plan put in place. There are more issues that need to be sorted out. He refers to the next financial year. Can the Honourable Member state when he believes the actual handover from police to regiment will occur, following . . . or in the next financial year?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, again, these dates are all moveable. It is our plan to have the Bermuda Regiment in by the summer of 2018, Mr. Speaker. But, to be clear, there are specific Acts that will have to be amended, that would have to come to this most Honourable House. So, the best plans laid of mice and men . . . we have a plan to have the Bermuda Regiment taking over the responsibility by next summer, 2018. However, that is subject to the legislative process. That is subject to getting the approval of this most Honourable House, Mr. Speaker.

**The Speaker:** Thank you.  
New question or supplementary?

**Hon. Dr. E. Grant Gibbons:** It is a new question, Mr. Speaker.

**The Speaker:** Yes.

### QUESTION 3: MINISTRY OF NATIONAL SECURITY—UPDATE

**Hon. Dr. E. Grant Gibbons:** On what would be page 7, the Honourable Member speaks to “Pastor Bean has a singular focus, and that will be on implementing programmes to reduce gang violence and antisocial behaviour.” Could the Honourable Member say how the success of these proposed programmes will be measured?

**The Speaker:** Minister.

**Hon. Wayne Caines:** I almost feel that the question is based . . . is almost based,—and I say this respectfully—on being absurd. We have 55 young men in our country who have died, 140 arrests that have been made with reference to gang-related violence, 55 mothers have lost their sons. My colleague has seen a plan to reduce gang-related violence in Bermuda, and he wants for us to provide him with . . .? Well, let me tell you what we can provide him with. One less person who dies in our country! That is enough to show that this programme is working!

*[Desk thumping]*

**Hon. Wayne Caines:** That Member wants it to be quantified? It is going to be quantified by Mr. Bean rolling his sleeves up, getting in this community, and helping to save the lives of our young men in this country, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Supplementary?

### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Yes, supplementary, Mr. Speaker.

Mr. Speaker, I think we can all sympathise with a general reduction—

**An Hon. Member:** Sympathise?

**The Speaker:** Ah, ah. One voice, please!

**Hon. Dr. E. Grant Gibbons:** I think we can all feel the need for a reduction in gang violence. Mr. Speaker, we have been talking about this for many, many years. And the question that I am really asking the Member is, Are there specific objectives as part of this plan that can be measured, apart from what would be considered to be a subjective sense that things are improving?

*[Inaudible interjections]*

**The Speaker:** Minister.

**Hon. Wayne Caines:** Mr. Speaker, we have answered the question, but to be specific, when you are talking about a plague in our country, and if the Honourable Member who is the Shadow Minister was present today, he could probably ask that Member . . . we are looking at a plan for reducing gun- and gang-related violence. We can go through the plan with the GVI [Group Violence Intervention], the gang-related elements of it. Each one of the elements of this plan

has a robust plan for reducing gang violence. For a sound bite, I cannot give a sound bite. If that learned Member wants us to go through this plan precept upon precept, and time permits, we can do that. But we will not politicise this, allow him to grandstand, with gang violence. This is something that we are committed to. If he is really committed to that, have my opposite Member come, and we can share our plan with him if he truly wants to see plans to change this country as it relates to gang violence.

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

*[Desk thumping]*

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

Do you still have your . . . yes.

The other Member who indicated that she has a question is the Opposition Leader, the Honourable Member from constituency 23.

Honourable Member, you have the floor.

#### QUESTION 1: MINISTRY OF NATIONAL SECURITY—UPDATE

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

Mr. Speaker, given that we all want to see the reduction in gang violence and to make sure it does have the priority it deserves, will the Honourable Member advise how the individual who had been hired in July to take care of or to be responsible for gang intervention coordination will work alongside the new person who was appointed? Or is it the replacement for? Or are we enhancing the personnel that we are putting to deal with this particular problem?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Those were three questions. Those were actually three questions, Mr. Speaker, and I would answer all three. And, Mr. Speaker, I crave your indulgence.

**The Speaker:** Go ahead.

**Hon. Wayne Caines:** From 2009—I will state it again—we have had 53 murders.

**The Speaker:** Murders, mm-hmm.

**Hon. Wayne Caines:** We have 140 incidents, ammunition and seizures. The research has shown that we have 400 children in our private schools and middle schools and high schools who have been deemed to be at risk.

We have Mr. Chae Powell, who was hired by the previous administration. He is the Gang Violence

Intervention Project Manager. He is responsible for managing and maintaining a strong relationship with the diverse stakeholders, including both frontline and executive law enforcement partners; community-based organisations and social service providers, including coordinating and chairing the special working groups. He [oversees] the coordination for the day-to-day operation of Bermuda's version of the gang violence interventions and its Ceasefire model, including the activation of the law enforcement and operation support and outreach activities, and the community's moral voice and working groups.

He is also the project manager for Team StreetSafe. Team StreetSafe is the element of this plan that goes into the community, finding at-risk men and bringing them, giving them a different way of life. He has direct responsibility for the outreach workers. He also is responsible for providing leadership for the Crisis Coordination Response Team that leads in crisis response in the community to assist community members experiencing crisis intervention.

Pastor Leroy Bean will be responsible for developing an interfaith plan. And this is a plan of action that brings the Community Action Group for Safer Communities. He will be responsible for establishing community support groups, for creating a plan similar to the Moms on a Mission in Bermuda, a programme that was set up for a support group for mothers. He will be responsible for creating a transition plan, and this is an honourable exit programme for at-risk young people. He will be responsible for developing a plan, in collaboration with the Department of Workforce Development, for finding jobs for at-risk young men. He will also be responsible for developing a community action plan for building efficiencies in the community.

Mr. Speaker, with the unfortunate proliferation of gang violence in Bermuda, we have gone from a one-man-band to a team that is developing, regrettably, as a result, as we see these incidents grow. I understand our community, and we have a concern about the government purse. We are mindful of that. And so, when you look at our Ministry, we are looking at different elements of our Ministry where we can constantly cut and trim and make sure we are cognisant of the country's purse.

This will not be politicised. This is an opportunity for us to develop an expert in this industry. The expert in this industry locally is Pastor Leroy Bean, for 14 years. We have Mr. Chae Powell, who is also an expert in this industry. These men, regardless of which administration they come from, you will be happy to know, Mr. Speaker, that these men are working in concert for the people of Bermuda, to find the opportunity to reduce gang violence and gun-related crime in these Islands, Mr. Speaker.

*[Desk thumping]*

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

This is a supplementary or a new question?

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

**The Speaker:** Supplementary.

### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** Just to say, Mr. Speaker, as a preface to the question that I have, that we are fully supportive of efforts to ensure that gun violence and gang violence are minimised.

With that said, the Minister, from his response . . . I just want to confirm that he is saying that the two positions, as mentioned, will be working in tandem with other . . . with specific responsibilities assigned to each. Will there be additional staffing that will come on board to enhance the availability to be able to tackle the problem outside of the two gentlemen that the Honourable Member has indicated?

**The Speaker:** Minister.

**Hon. Wayne Caines:** Try as they might, I thought I made it explicitly clear. But for the hearing impaired, there is an opportunity for both of these elements to work in tandem. There is a long-term strategy. The particular gang strategy, Mr. Speaker, it sees members of the police force, the DPP [Department of Public Prosecutions], the Customs Department, every element are helping in this, Mirrors . . . all of these are working in tandem to find a solution to the gang problem. If in the future we need to hire more personnel, this is a matter for the Premier and the Cabinet. But we will do whatever we have to, keeping in mind the restraints of the budget and keeping in mind what we need to do to make sure that we find a solution to gang violence, Mr. Speaker.

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

No further questions?

The next Statement that Members have indicated they have questions on will be the Statement from Minister Burch.

*[Inaudible interjections]*

**The Speaker:** Excuse me. I hear overtones. Please. Thank you. Thank you.

If the two leaders would like to have a discussion, you can take it outside. Not across the floor, please. Thank you.

*[Inaudible interjections]*

**The Speaker:** I have asked that you two take the comments outside if you want a conversation.

The next Statement is that of Minister Burch, in reference to the overgrowth. We have four Members who have indicated that they have got questions. And the first Member is the Honourable Member from constituency 26, the Honourable Member, Mr. Tyrrell.

Mr. Tyrrell, you have the floor.

### QUESTION 1: OVERGROWTH ON HIGHWAYS AND VERGES

**Mr. Neville S. Tyrrell:** Thank you, Mr. Speaker.

Mr. Speaker, if the Honourable Minister could answer, Is he aware of neighbourhood efforts across the Island to assist in the [control of] vegetation growth? Is he aware of that?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, the answer is yes. I think he is referring to Farmer Famous.

*[Laughter]*

**Lt. Col. Hon. David A. Burch:** Who, Mr. Speaker, started a campaign several weeks ago. I thought he was poking at me. He sent me a photograph of an overgrown piece of real estate in his district, and I asked him, *What do you want? I don't have anybody to send to cut it!* He said, *No, I'm asking for permission to cut it.* I said, *Go right ahead.* And he did. And he then sent me a picture of it being cut. And what he has done is to start a firestorm across the country, in that all across the country, I think, both Members of Parliament, but more importantly, members of communities have come together to assist in beautifying their own communities and the country at large.

**The Speaker:** Thank you.

Further question? Supplementary, Mr. Tyrrell? No, you are good?

Oh, supplementary? Okay.

The next Member who has indicated he has a question for you on this topic, Minister, is the Member from constituency 24.

The Honourable Member, Mr. Scott, you have the floor.

### QUESTION 1: OVERGROWTH ON HIGHWAYS AND VERGES

**Mr. W. Lawrence Scott:** Thank you, Mr. Speaker.

Minister, did I hear correctly that there has been no weed-spraying since 2015? And can you explain why?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, that is correct. And it is due to a combination of errors—the banning of glyphosate herbicide and the non-hiring of staff to replace those who either retired, were fired, or

quit from the Department of Parks, to the extent that that area is now 30 people under strength.

**Some Hon. Members:** Whoa! Whoa!

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

#### SUPPLEMENTARY

**Mr. W. Lawrence Scott:** Supplementary, Mr. Speaker.

Minister, in your opinion, is that the basis for privatisation of that department?

**Lt. Col. Hon. David A. Burch:** You asked for my opinion? I mean, I think that, Mr. Speaker, one of the challenges with the Department of Parks is that it has, I would venture to say, certainly within this Ministry . . . the morale is at the lowest of any part of the Ministry. And, I would probably go so far as to say, the lowest of any area in government. And it has been suggested to me by members of that staff, and you could see by the lack of effort to provide them with the proper tools and equipment and staffing, that they seem to be on the path to privatisation, by stealth.

**The Speaker:** Supplementary? We recognise the Honourable Member from constituency 19.

The Honourable Member, Mrs. Atherden, you have the floor.

#### SUPPLEMENTARIES

**Mrs. Jeanne J. Atherden:** Minister, you have indicated in your Statement . . . and I see the MPW (and I presume that means the Ministry of Public Works) has started to implement several elements of the Integrated Vegetation Management [IVM] Plan. And that plan is dealing with utilising controlling the vegetation. And you have indicated that they have already implemented several elements that will be further developed. Now that, to me, when I hear “further developed,” it means that there was something already in place. Could you indicate to me when this IVM plan was started?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I have no idea when it was started.

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

**Mrs. Jeanne J. Atherden:** Supplementary.

Could you indicate whether this IVM programme was started before July 18<sup>th</sup>, 2017?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** All indications are that it was started before July 18<sup>th</sup>.

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

#### SUPPLEMENTARY

**Hon. Patricia J. Gordon-Pamplin:** I do have a supplementary.

If the Honourable Member could advise, what is the replacement—

**The Speaker:** Sorry. I did not recognise the Honourable Opposition Leader.

**Hon. Patricia J. Gordon-Pamplin:** Oh, I am sorry.

**The Speaker:** You have the floor. Go ahead, for your supplementary.

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

Minister, what is the replacement chemical that will replace . . . what was outlawed was Roundup, because of its environmental impact. So is it going to be Roundup and just properly managed? Or is it going to be a replacement kind of chemical that is similar to Roundup, but something different?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I do not know whether it is going to be Roundup. But essentially, it is going to be the same chemical herbicide that was used previously.

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

**Ms. Susan E. Jackson:** Yes, good morning, Mr. Speaker. Yes, supplementary.

**The Speaker:** I recognise the Honourable Member from constituency 20.

Honourable Member Jackson, you have the floor.

#### SUPPLEMENTARIES

**Ms. Susan E. Jackson:** Thank you, Mr. Speaker.

I would like to ask the Minister, what is going to be done to protect our farmlands from, in particular, runoff of this weed killer and chemicals into our farmlands?

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

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I expected that I would get that question. Clearly, the management of the programme is to be incorporated in terms of addressing the runoff of any of the herbicide. And that is why the programme is going to be with specific instructions that are being imposed upon the Ministry of Works by the Department of Environmental Science.

**The Speaker:** Thank you.  
Supplementary? Continue.

**Ms. Susan E. Jackson:** I would like to ask the Minister, then, can he confirm whether there will be any kind of tests? Testing of soil, testing of water, testing of vegetation in order to confirm that these chemicals are not getting into our farmlands, as part of his programme?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, yes.

**The Speaker:** Thank you.  
Supplementary? Or a new question?

**Hon. Patricia J. Gordon-Pamplin:** No, it is a supplementary.

**The Speaker:** We recognise the Honourable Opposition Leader.  
You have the floor.

#### SUPPLEMENTARY

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

Mr. Speaker, I wonder if the Minister could just confirm. Obviously, the IVM programme and the success thereof is predicated upon homeowners or landowners, property owners, being able to also do their share. Do we at the moment have a plan in terms of advising property owners in terms of their requirements to cut back? Minister, you asked him to repeat it. He repeated it twice for the edification of the public. I think that what I would like to know is if the public can expect, and therefore expect to respond to, the requirement that they have to cut back on their verges in order to help with the success of the IVM programme?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, yes, there is a plan for that. Each individual homeowner who is applicable to this process will receive a letter from the Ministry of Public Works, advising them of the requirement to carry out the necessary cutting of their hedges and grass verges, and indicating to them a

certain period of time in which they have to do so. And if they do not, we will do it, and we will bill them, and they will be charged for it.

**The Speaker:** Thank you.  
Supplementary?  
You have had two supplementaries.

**Hon. Patricia J. Gordon-Pamplin:** I have? Okay. All right.

**The Speaker:** Anyone else?  
Okay. The other Members who have indicated that they wanted to ask questions on [the Statement by] this Minister would be the Honourable Member from constituency 8.

Mr. Simons, do you still wish to ask your question? The Honourable Member Simons, you have the floor.

#### QUESTION 1: OVERGROWTH ON HIGHWAYS AND VERGES

**Mr. N. H. Cole Simons:** Thank you, Mr. Speaker. Yes. A few of my questions have been asked, but I have one remaining question.

Does the Minister intend to lift the ban on glyphosate for the private sector? I know that [there are] conditions [under which] the public sector (i.e., the Works and Engineering) can use it. But is it the Government's intention to lift the current ban on glyphosate for the private sector?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, no.

**The Speaker:** Thank you.  
Supplementary?  
No supplementary. Further question? No.

The next Member who indicated he has a question for you on this Statement, Minister, is the Honourable Member from constituency 22.

The Honourable Member Gibbons, you have the floor.

#### QUESTION 1: OVERGROWTH ON HIGHWAYS AND VERGES

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

Mr. Speaker, I think a lot of us are aware of the danger now with, particularly, weeds as they are growing up right at the side of the roads, because cars swing out and somebody is going to get hit because they are usually over the line. I guess the question I have to the Minister is going to be, with respect to this Integrated Vegetation Management plan, which apparently is already starting to be put into effect, does he have a timeline as to when glyphosate will be used again? Is there a sense of what the timing will be on that?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I do not have an exact time. But I can report that the Minister responsible for the Environment, the Minister of Home Affairs, gave permission to us on Wednesday of this week. And we have placed an order for a resupply.

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

#### SUPPLEMENTARY

**Hon. Dr. E. Grant Gibbons:** Supplementary. Thanks, Mr. Speaker, yes.

So I take it from what the Minister just said that the Integrated Vegetation Management plan has now been completed, which was not clear from the Statement?

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, no. That is not the case. The Integrated Vegetation Management plan includes the use of herbicide, as well as all of the other items that I indicated in my Statement that would be implemented, going forward.

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

**Mr. N. H. Cole Simons:** Yes, supplementary.

**The Speaker:** Supplementary. We recognise the Honourable Member from constituency 8.

Honourable Member Simons, you have the floor.

#### SUPPLEMENTARY

**Mr. N. H. Cole Simons:** Is it the Ministry's intention to order their glyphosate from local wholesalers or businesspeople, or will they go directly overseas and do their own importations?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I am surprised at that question from a former Minister of the Environment. I believe the Department of Parks has been ordering directly from a supplier in Miami, I believe, for the last several years and will continue to do so.

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

**Hon. Dr. E. Grant Gibbons:** A new question, Mr. Speaker.

**The Speaker:** A new question.  
Is this a supplementary?

Okay, we will take the supplementary from the Honourable Member from constituency 20.

Honourable Member Jackson, you have the floor.

#### SUPPLEMENTARY

**Ms. Susan E. Jackson:** Thank you, Mr. Speaker.

I am a bit optimistic and idealistic, but should this programme work and we also get the residents to start clearing out their weeds and verges, et cetera, roadsides, would we cut back on the use of these chemicals?

**The Speaker:** Minister.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, it is a little rich, the questions coming from the other side, as we on this side have not done any research in relation to this glyphosate herbicide. All of it was done, and all of the evidence that I have was done, starting with the report locally in November 2016 by Dr. Geoff Smith, the Environmental Engineer at the Department of Environment and Natural Resources, a presentation that was made to the Ministry of the former Government on the 12<sup>th</sup> of January 2017, and the international, including the UK, European, Canadian, and US research that indicates that this particular herbicide is not the cause of cancer.

Having said all of that, it is our intent and our plan not to just wildly use herbicide as a means of remediating the difficulties that we have, but to use an integrated plan that incorporates herbicide as well as all of the other activities in order to reduce the amount of weeds on our roadside. That is the plan going forward. And we will modify it and test it and adjust it, continuously, going forward, to address the challenges that we face so this country actually looks like it welcomes tourists and not looks like the African jungle.

Thank you, Mr. Speaker.

*[Laughter]*

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

Any supplementaries? No supplementaries.  
Questions? No questions.

The next Statement that Members have had questions on, Minister, would be for your Statement in reference to the relocation of the airport. And the first question is that from the Honourable Member from constituency 21.

Honourable Member Commissiong, you have the floor.

#### QUESTION 1: RELOCATION OF THE AIRPORT MAIL FACILITY

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

Minister, will you not concede that, with respect to the debacle at the airport in reference to the mail sorting facility, that it represents what I would call the socialisation of losses with respect to what the Government is now on the [hook] for, as opposed to private gain? So it is private gain for the developers, but the socialisation of loss for the former public asset under question.

**The Speaker:** Put it in a question for the Minister.

**Mr. Rolfe Commissiong:** Will you not concede, sir, that this appears to be the case in this instance?

*[Inaudible interjections]*

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, with the greatest respect, I do not have a clue what he was asking.

*[Laughter]*

**The Speaker:** Quiet, quiet, Members.

Member, could you just restate your question in a short form? In a short form.

**Mr. Rolfe Commissiong:** With respect to the airport, is this an example . . . would the Minister concede that this is an example of how privatisation, as we have seen it, has resulted in the socialisation of the cost of privatisation falling on the taxpayer while the gains accrue to the developer, at the expense of the taxpayer?

**The Speaker:** Minister. Would you like another crack at that, Minister?

*[Inaudible interjections and laughter]*

**Lt. Col. Hon. David A. Burch:** Okay. Let me try and translate it into something that I might . . . if the question is, *Is this an example of potential privatisation costing the government more?*, then my answer would be yes.

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

Any supplementary?

We have a supplementary from the Honourable Member from constituency 19.

Honourable Member Atherden, you have the floor.

#### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** I would just ask the Minister, in respect to this relocation of the airport mail facility, would he indicate whether the application of the notice in the paper today, which is talking about the revenue appointment of the Federal Express Bermuda

Limited, does that mean, in anticipation that there is going to be a move from the airport to this facility, that the Customs Department has to then turn around and designate that this is an area for postal inspection?

**The Speaker:** Your question was supposed to be a supplementary on his question.

**Mrs. Jeanne J. Atherden:** Oh, I am sorry.

**The Speaker:** You are off the base on that one.

But, Minister, would you want to ignore it or respond to it?

**Lt. Col. Hon. David A. Burch:** Well, I have not seen today's paper because as everybody knows I do not buy them. So if you want to share it with me, I might read it. But I do believe that Her Majesty's Customs must designate areas as areas that are applicable to them. And I do not know if that notice refers to that. But certainly, the area that they are moving to will be designated by Her Majesty, Her Majesty's Customs, as a customs area.

**The Speaker:** Thank you.

Supplementary? Your supplementary is still off of the question that was asked by the Honourable Member from constituency 21.

**Hon. Patricia J. Gordon-Pamplin:** That is correct.

**The Speaker:** Okay. If you can keep it to the line with his question, you can do your supplementary.

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

**The Speaker:** We recognise the Honourable Opposition Leader. You have the floor, Madam.

#### SUPPLEMENTARY

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

Mr. Speaker, my question is, when we heard the word "privatisation" with respect to the airport, will the Minister accept that privatisation would suggest that the company responsible for the development of the airport has taken over the ownership of it? The Government continues to hold . . .

**The Speaker:** Actually, Madam Opposition Leader, I am going to save the Minister from having to get out of his seat because we have just run out of time. The questions started at 11:31. It is now 12:31. So the hour has passed for Question Period.

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



**The Speaker:** But it is also time for me to recognise the Premier or the Deputy Premier at this time, as well. So, just to be clear, the Question Period has ended now.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker. I ask that we adjourn for lunch.

**The Speaker:** Yes. We do now adjourn until 2:00 pm.

**Proceedings suspended at 12:32 pm**

**Proceedings resumed at 2:02 pm**

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

**The Speaker:** The morning concluded with us finishing the Question Period. We are now on Congratulatory and/or Obituary Speeches.

### CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** Does anybody wish to speak?  
I recognise Honourable Member from constituency 33, *[sic]* Mr. Simmons.  
Honourable Member Mr. Simmons, you have the floor.

**Mr. Scott Simmons:** Good afternoon, Mr. Speaker.

**The Speaker:** Thirty-two . . . I am sorry.

**Mr. Scott Simmons:** From [constituency] 32, yes, that is correct, Mr. Speaker.

**The Speaker:** Thirty-two.

**Mr. Scott Simmons:** Thank you so much.  
I do not know if it was done at your last sitting, having been absent, but I would like to ask to recognise certainly the passing of Kerry Lynn Hollis under very, very tragic circumstances. And I would like to extend to her family our deepest condolences and ask that a letter be sent. I believe that the circumstances surrounding that . . . any family that loses a member of their family, our hearts and the entire hearts of Bermuda go out to her [family]. So I ask, Mr. Speaker, at this time that a letter be sent . . . from Mr. Kim Swan and the entire House. Thank you.

**The Speaker:** Thank you.  
Does any other Member wish to speak?  
I recognise the Honourable Member from constituency 30. Honourable Member Scott, you have the floor.

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

Mr. Speaker, I would like to offer condolences to the family of Kerry Petty who died in a road traffic accident last week. I want to associate the whole House.

*[Inaudible interjections]*

**The Speaker:** Yes.

**Ms. Leah K. Scott:** Ms. Kerry was—

**The Speaker:** It actually is the same person that was just done; she goes by Hollis or Petty.

**Ms. Leah K. Scott:** —I know. Well, I—

**The Speaker:** So associate yourself with them.

**Ms. Leah K. Scott:** Okay.

Ms. Hollis/Petty . . . I know her father, I did work for her father many, many years ago and she comes from a family of four, she is the only girl and she died leaving a seven-month-old baby and a 10-year-old daughter. So my condolences really go out to the family.

Second, I would like to offer congratulations to Leroy Bean for being appointed as the Gang Activities Coordinator. And I would like, Mr. Speaker, to say that Mr. Bean, I think, is more than qualified for this job. I think that he will bring a component that has been lacking and that is his spiritual aptitude. I would like to congratulate the Minister for choosing him and selecting him.

And I would like to say, Mr. Speaker, that I hope that we grow and mature to the point that when somebody is appointed to a position that we do not feel that we need to pull their skeletons out of the closet to condemn them for their ability to do the job. He is here to do a job. We all have a past and there is not one of us in here who does not have a skeleton that we do not want exposed. So we need to let people do what they are hired to do.

And I do not know if any of you know Pastor Bean or have heard him preach, but Pastor Bean can break down the Word of God and serve it up to you like a four-star Michelin chef. He is amazing. I congratulate the Minister and I am looking forward to seeing what Mr. Bean is going to do in this community and I wholeheartedly and fully support his appointment. Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Thank you.  
Does any other Member wish to speak?  
I recognise the Honourable Member from constituency 26. Honourable Member Tyrrell, you have the floor.

**Mr. Neville S. Tyrrell:** Thank you, Mr. Speaker, and good afternoon.

I rise to ask for condolences to be sent to the family of Neal “Sluggo” Adderley. Under normal circumstances, Mr. Speaker, I would imagine the MP for the area would do it, but because my CEO in my house is related to Mr. Adderley—

**The Speaker:** Your CEO, hey? Okay.

*[Laughter]*

**Mr. Neville S. Tyrrell:** I have been asked to bring condolences. Sluggo, as he was affectionately known to both my wife and I, has really helped us through our lifetime. In fact, when I first was courting my wife—if you understand about courting nowadays—she took me around to meet the family and Sluggo was one of the first persons that I met and he gave me some good advice in terms of how to—

**The Speaker:** You got his approval, eh?

**Mr. Neville S. Tyrrell:** Yes. Okay, I will cut to the chase. He gave me approval. And at the same time he has treated my wife, Sheila, since the passing of her father, as a father himself to her. So we both will miss him and I ask that condolences be sent.

And while I am on my feet, Mr. Speaker, I would like to send congratulations to a young lady, Comelia Pitt. She is actually at the last portion of her law degree from BPP University Law School. She has got first-class honours and should be graduating in a month’s time. And so she is going back . . . after a long struggle—she has come from a single [parent] family—and she has done herself proud and her family as well. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 7. Honourable Member Richards, you have the floor.

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

Mr. Speaker, I would like for congratulations to be sent to XL Catlin which was recently named Bermuda Insurer of the Year by the—

*[Inaudible interjections]*

**Mr. Sylvan D. Richards, Jr.:** Okay, I am going to associate the whole House with this because it is a very worthy thing. They were named Bermuda Insurer of the Year by the insurance industry trade publication *Reactions* magazine. The award ceremony was held in New York City on September 28<sup>th</sup>. And I especially want to congratulate my good friend XL Catlin Manag-

ing Director and CEO of Bermuda Ltd., Mr. Patrick Tannock, who was joined by his team members of XL Catlin who included former Senator Kim Wilkerson, who is head of Bermuda Claims for Insurance. The nominations come from executives of North American brokerage houses who were asked which insurance and reinsurance company stood out in their markets as top performers for the period June 1, 2016 to May 31, 2017, and why. XL was selected as Bermuda Insurer of the Year because of their strong reputation in terms of consistent, high-quality performance. So I think that is something that we should acknowledge and, once again, congratulations to XL Catlin, Bermuda Insurer of the Year.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 8. Honourable Member Simons, you have the floor.

**Mr. N. H. Cole Simons:** Thank you, Mr. Speaker.

I would like to send condolences to the family of Mrs. Blanche Wade. She was from Warwick. She was a retired teacher. She was one of the old-fashioned teachers who had a passion for teaching. She loved teaching and she loved engaging in helping to develop young people. So to her family I would like to send my warmest wishes and I am with them during this difficult time. And special condolences go out to the children—Clifford Wade, Sandra Thornhill, and Russell Wade.

I would like to also send condolences to the family of Lobelia Ismay Bubenzer. I worked with Ms. Bubenzer at AIG. And I think she was a Renaissance person of her time. At 19 years old in 1945—1943—she travelled to England to serve in the Auxiliary Territorial Service (basically helping during the war)—a young black Bermudian [who] paid her own way over because she wanted to make a difference, because she wanted to make a contribution. She landed in London during the London raids and she just managed to do what she had to do to make her contribution. They shipped her off to Oxfordshire where she acted as a secretary for four years and then she was released basically in 1947 when she went and worked as a secretary for Robert Maxwell, the billionaire, in his then-fledgling media empire, and look where he is today. She left there and came back home and was the first black woman to work as a secretary in Bermuda Magistrates Court. So to two of her sons—Peter Bubenzer and Axel Bubenzer—I send them my heartfelt condolences and I salute their mother who was a Renaissance lady and made Bermuda proud as the first black Bermudian to take on such a role. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 31. Honourable Member Smith, you have the floor.

**Mr. Ben Smith:** Thank you, Mr. Speaker.

I would like to give congratulations to Jyire Mitchell. He placed third in the 41<sup>st</sup> Annual Kawasaki Race. It is a motocross race. He placed in the Expert Pro-Am category.

I would also like to give congratulations to Justin Donawa who was named the Ivy League Player of the Week because of his goal against, I believe they played . . . he is Dartmouth, but I—

**The Speaker:** Cannot remember his name.

**Mr. Ben Smith:** He scored a goal, but I cannot remember what it was.

**The Speaker:** Yes, sure, sure. Okay.

That is it? Oh, okay. Thank you.

Any other Member wish to speak?

I recognise the Honourable Member from constituency 9. Honourable Member Atherden, you have the floor.

**Mrs. Jeanne J. Atherden:** Mr. Speaker, I would like to be associated with the remarks to be sent to the family of Blanche Wade. As my family used to remind me, they are our cousins, relatives, and we are always saddened when persons die.

And I am even more saddened or was saddened at the time, but I would like to be associated with the remarks that Member Tyrrell expressed being sent to the family of Neal “Sluggo” Adderley. Uncle Neal was also my uncle in the sense of my father’s brother, but what people do not realise is that he actually made Dale Butler’s book of nicknames because Neal was his real name but “Sluggo” was what he was known by, partially because he did so many things. He was one of those first individuals that would swim from Lady’s Chamber all the way out to Dockyard. And so . . . we do not realise that back in the day, those individuals were athletes and they did so many things that we did not do.

Mr. Speaker, I would also like to have congratulations sent to the Police force with respect to a very successful Police Week. I know it is not finished, I know it is to be culminating tomorrow in their Gala Ball, but the reason I say that I know it is successful is because they had a Seniors’ Tea and I had a lady come up and say to me, *Why weren’t you at the Seniors’ Tea?* And I said, *I’m not the Minister anymore.* But I also said, *If I am invited next time I will be there.* But it is important that they continue doing things like the Seniors’ Tea where seniors get out and actually appreciate . . . and the Gymkhana, because all of those things give people the opportunity to have, what I call, a friendly interaction with the police force. Too

often the interaction that people have with police is not always friendly, and we keep forgetting that they are there to do a job and we actually rely on them to keep us safe and, therefore, congratulations should be sent to them. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 20. Honourable Member Jackson, you have the floor.

**Ms. Susan E. Jackson:** Thank you, Mr. Speaker.

I would like to associate myself with the condolences going out to Kerry Hollis. She was a bright light that has gone way too soon. And I certainly knew her from the time that she was a young girl—a very young girl—as she was a young woman leaving us so soon. And she was very much a part of the family. I appreciated all of the really good home-style playing outside with the children. My son was very close to her younger brother and so it was all very much a village raising the children. And she babysat on occasion and took care of the kids and I really appreciated the quality of her character. And I just, on reflection, would like to just add, Mr. Speaker, that the health of Bermuda on the roads right now is traumatic and it is at what I would consider to be an epidemic situation. And if there is anything that we can do to take a look at the reasons why people are doing what they are doing on the roads and try to find some way to provide the support and provide whatever kinds of programmes that are needed in order to have people understand the risks on our roads and the importance of being careful and considerate and safe while driving. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 11. Honourable Member Famous, you have the floor.

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

I first want to thank the Parks Department for the job that they do under the trying circumstances. Despite the shortage of men they have done what they could to keep our country looking as pristine as possible. It is very important—[if it is] important for us to recognise persons in ivy then it is just as important for us to recognise the working class people in this country.

Secondly, Mr. Speaker, I would like to give a *Happy Birthday* to Honourable Member Kim Swan, who celebrated his birthday two days ago.

*[Desk thumping]*

**Mr. Christopher Famous:** Mr. Speaker, six years ago I told him he was on the wrong side of the tracks. Like Saul, somewhere along the way he saw the light and he has converted. So I would like to take this time to invite others who may be on the wrong side of the tracks to see the light as well. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Honourable Member wish to speak? I recognise the Member who just got congratulated for his . . . what year was it? We did not hear what year it is.

*[Laughter]*

**The Speaker:** But Honourable Member Mr. Swan from constituency 2, you have the floor.

**Mr. Hubert (Kim) E. Swan:** One earlier than yours, Mr. Speaker.

**The Speaker:** Well, well, all right, Mr. Swan.

**Mr. Hubert (Kim) E. Swan:** I would like to rise to return the compliment to my dear friend, Mr. Famous, and wish him a very *Happy Birthday* on the occasion of being a Member of Parliament and representing the good people of Devonshire. May he enjoy his birthday immensely over the weekend, Mr. Speaker.

And I would like for the Town of St. George's that recognise UNESCO yesterday to be congratulated for honouring two outstanding teachers that served our community in the past. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Honourable Member wish to speak?

No other Honourable Member. We are moving on.

## 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:** We have two on the Order Paper.

We recognise the Honourable Member, the Deputy Premier.

You have the floor, Deputy Premier.

## GOVERNMENT BILLS

### FIRST READINGS

#### ELECTRICITY AMENDMENT ACT 2017

**Hon. Walter H. Roban:** Thank you, 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: the Electricity Amendment Act 2017.

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

And the second is in the name of the Honourable Minister Brown.

Minister Wilson, are you going to introduce it for him?

**Hon. Kim N. Wilson:** Yes, thank you, Mr. Speaker.

**The Speaker:** Carry on, Minister.

#### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017

**Hon. Kim N. Wilson:** Mr. Speaker, on behalf of the Honourable C. W. D. Brown 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 Bermuda Immigration and Protection Amendment (No. 2) Act 2017.

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

## OPPOSITION BILLS

**The Speaker:** There are none.

## PRIVATE MEMBERS' BILLS

**The Speaker:** There are none.

## NOTICES OF MOTIONS

**The Speaker:** There are none.

## ORDERS OF THE DAY

**The Speaker:** I understand that there has been an agreed adjustment in the orders by the Whips and that we are doing [Orders Nos.] 1, 2, and 3 today, but I understand that [Order No.] 3 is going to be taken up first, and then [Order No.] 2 and then [Order No.] 1.

So Minister, are you going to lead us on [Order No.] 3?

I recognise the Honourable Minister. Honourable Minister Mr. Simmons, you have the floor.

## BILL

### SECOND READING

#### TOURISM INVESTMENT ACT 2017

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker.

Mr. Speaker, I move the Bill entitled the Tourism Investment Act 2017 be now read the second time.

**The Speaker:** Go ahead, Minister.

**Hon. Jamahl S. Simmons:** Mr. Speaker, the purpose of the Bill before the House today seeks to establish customs duty and certain tax relief for tourism products as identified in the National Tourism Plan.

Mr. Speaker, for the information of this House, I would like to provide a brief history of the Hotels Concession Act 2000 and the financial relief provided since that legislation's inception, along with the objectives of the Tourism Investment Act 2017, including the research conducted by the Bermuda Tourism Authority on competitive destinations and outcomes leading to the Bill being debated today and the need for change focusing on tourism investment.

Mr. Speaker, the Hotels Concession Act 2000 was enacted to encourage investment in hotel development by providing full relief from customs duty and full or partial relief from hotel occupancy tax, payroll tax, land tax, and by removing certain restrictions on companies holding interests in land. It further outlined procedures that developers should follow when applying for a Hotel Concession Order. The intended impact and outcome was to create employment and entrepreneurial opportunities within the hotel sector and provide tax relief for up to five years for: land tax, employers' share of payroll tax, and hotel occupancy tax; as well as customs duty relief until the first anniversary of the opening date; and a deferral of land holding charges, if applicable.

Mr. Speaker, since August 2000, twenty Hotel Concession Orders have been granted. Today there are nine active Hotel Concession Orders. These are by the name of the hotel and year:

- Fairmont Southampton, 2013;
- Hamilton Princess, 2013;
- Hamilton Princess, 2014;
- Pink Beach, 2015;
- Coral Beach and Tennis Club, 2015;
- Tucker's Point, 2016;
- Former Surfside, 2016;
- Elbow Beach, 2016; and

- Hamilton Princess, 2016.

These Orders will not be revoked and they will run concurrently with the Tourism Investment Act. Let me repeat, *these Orders will not be revoked and they will run concurrently with the Tourism Investment Act 2017.*

Mr. Speaker, from the year 2000 a total of \$19.3 million in hotel concession relief has been granted by the Government of Bermuda as of the 31<sup>st</sup> March 2017. The underutilised Orders present a contingent liability on the Government's balance sheet, managed by the Office of the Tax Commissioner, because most of the Orders do not have an expiry date, which has been addressed in the Tourism Investment Act 2017.

Mr. Speaker, looking forward the relief that is being budgeted over the next 10 to 15 years for active Hotel Concession Orders under the Hotels Concession Act 2000, amounts to approximately \$63.3 million. Each hotel with active Orders will continue to make annual submissions for relief under the Hotels Concession Act 2000, and must provide proof of spending on annual marketing, hiring of Bermudian entertainment, and the training of Bermudians. This process has proven administratively burdensome and costly for hotels as they are required to have a professional audit done on each anniversary submission for each category of tax concession. It is anticipated that some relief may simply fall away by virtue of the arduous processes these developers have had to follow in order to obtain their employers' share of payroll tax and hotel occupancy tax relief.

In addition to the Hotels Concession Act 2000, there are two special Acts that have become law since 2014 and they have provision for concessions as part of their Act. They are: the Morgan's Point Resort Act 2014 and the St. George's Resort Act 2015. The concessions available within those Acts are estimated to be approximately \$34.1 million over the next 10 to 15 years.

Mr. Speaker, the overarching objective of this Bill is to stimulate more tourism development opportunities by direct foreign and local investment into Bermuda's economy and to capitalise on the work the Bermuda Tourism Authority is doing to increase air leisure arrivals and creating new products and new experiences.

The Bill encompasses the full spectrum of Bermuda's tourism product, not just hotel development, and demonstrates a shift from the status quo to a jurisdiction that is desirous to compete in the global tourism market.

Mr. Speaker, over the past two years both the Minister responsible for Tourism and the Bermuda Tourism Authority have reviewed the legislative framework for Bermuda's key island competitors, including the Bahamas, Barbados, the Cayman [Islands], Dominican Republic; and by comparison, Bermuda's existing legislative framework is outdated,

non-competitive, and not investor focused. The Bermuda Tourism Authority consulted with international investors, local investors, and hotel operators as well as having reviewed internal reports related to tourism and hospitality investment. Overwhelmingly developers have categorised Bermuda as cost-prohibitive, leading to unprofitable hotels, while investors describe Bermuda as complicated, cumbersome, uncompetitive, and confusing.

The Bermuda Government held a strategic Hotel Investment Summit in June 2013 under the former Government to answer three key questions:

1. Why is Bermuda not getting its fair share of hotel development?
2. What are other jurisdictions doing to attract hotel development?
3. What are the key strategies for increasing hotel development in Bermuda?

We feel that this new investment Bill answers those questions.

Mr. Speaker, in March 2017 the Draft Bill entitled the Tourism Investment Act 2017 was laid in the Senate for information and consultation purposes only. Members of the public were invited to send comments on the “for information” Bill to the Ministry responsible for Tourism. Both the Ministry and the BTA took the Draft Bill for consultation to the Bermuda Hotel Association, the Caribbean Hotel and Tourism Association, and interested local and foreign investors, as well as advisors known to the BTA and the Government of Bermuda.

Mr. Speaker, the Bill originated under the former OBA Government, and the Progressive Labour Party (when we were the Opposition) was consulted on the Tourism Investment Bill. We all gave comment and are now pleased to have a Bill that addresses the concerns of both parties and our stakeholders.

Mr. Speaker, tourism is the second pillar of Bermuda’s economy, and the revitalisation of this sector has the greatest potential to spur economic growth and job creation in the immediate and near future. A recapture of 50 per cent of the previous tourism market of the past 30 years will potentially generate approximately 1,500 to 2,000 new jobs and should [add] \$2 billion to GDP over the next 10 years.

The Bill is considered the new standard and the required minimum for consideration by the international and domestic investor community. This Bill reaffirms our commitment to becoming a competitive investment destination and sends the right signal and intent to the global investment community.

Mr. Speaker, the Tourism Investment Act 2017 is envisioned to be more attractive to developers who envision building a new hotel on a vacant lot or reinvesting in an existing hotel with development costs not less than 50 per cent of the appraised market value of that hotel, as well as the refurbishment of an existing hotel where development costs are not less than 25 per cent of the appraised market value. New

categories have been added in the Tourism Investment Act to include new or existing restaurants and attractions which are considered to be tourism products.

The Tourism Investment Act eliminates the cumbersome and costly annual ministrations of approving concession relief by granting relief on the opening day providing the qualifying criteria and the scale of relief conditions have been met. This new Act focuses on ensuring that there are management training programmes for Bermudians in hotels and that they are verified by the Minister responsible for Workforce Development.

New hotels who are granted a Tourism Investment Order may receive tax relief up to 10 years, and refurbished hotels investing 25 per cent of their property remain at the maximum of 5 years. Each hotel which is granted a Tourism Investment Order for 10 years will be required to provide proof that at least 70 per cent of its workforce is Bermudian in years 6 through 10 of that Order to qualify for any land tax relief. If a new hotel does not employ 70 per cent of their staff in years 6 through 10 with Bermudians and/or train those Bermudians, the land tax relief will be revoked.

In addition, Mr. Speaker, the Bill seeks to create a competitive investment environment for hospitality developers, resulting in hotels and tourism products becoming profitable and no longer reliant on Government tax reliefs and rebates, and encourage Bermudians to realise and take advantage of economic opportunities in the tourism sector through investment and reinvestment, leading to employment and greater contribution to GDP. The Bill will incentivise local tourism developers to invest in their properties in a substantial manner to significantly modernise their properties beyond normal capital maintenance and make the claim process for relief as simple as possible without any undue burden on the developer.

Mr. Speaker, developers of a new restaurant, an existing restaurant, or an attraction will only be able to apply once for a Tourism Investment Order. Meaning there is no provision for a second application for relief after a Tourism Investment Order has been granted to a restaurant or attraction. In addition, the Minister will not consider an application for a Tourism Investment Order made by the developer of a restaurant or an attraction five years after the Act comes into operation.

Mr. Speaker, tourism investment relief will be based on the actual dollar amount invested, based on qualifying criteria, and includes tourism products that are outlined in the key elements of the National Tourism Plan and includes definitions for: an “attraction”; a “new hotel”; a “tourism product”; and a “tourism project.”

Mr. Speaker, the proposed qualifying criteria for a Tourism Investment Order is provided in Schedule 1 to the Tourism Investment Act 2017. For exam-

ple: A new hotel is a hotel that is being developed on a vacant lot; an operating hotel with estimated development costs not less than 50 per cent of the appraised market value of the hotel with construction completed within three years; or a derelict hotel with estimated development costs not less than 50 per cent of the appraised market value of the hotel with construction completed within three years.

Mr. Speaker, an example of a derelict hotel could be 9 Beaches or Lantana; whereas an example for a vacant lot could be the former site of the Sonesta Beach Hotel.

Mr. Speaker, an example of the proposed Scale of Relief, which is in Schedule 2 of the Tourism Investment Act: for a new hotel the number of years of relief would not exceed 10 years; customs duty relief would be 100 per cent and start upon the Order becoming law for 10 years; hotel occupancy tax relief would be 100 per cent and the relief would start upon the opening date for 10 years; land tax relief will be 100 per cent starting in year 6 and subject to the hotel's verifying to the Minister in years 6 through 10 that 70 per cent of the hotel's staff are Bermudian (and that verification is in writing, Mr. Speaker); landholding charge deferral will be 100 per cent where applicable; payroll tax will 100 per cent of the employers' share upon written verification from the Minister responsible for workforce development to the Minister responsible for Tourism annually that a management training programme for Bermudians is in operation.

Mr. Speaker, through consultation with the BTA it is vital that we encourage Bermudians to take advantage of their assets in the best economic manner available to them.

Mr. Speaker, I can confirm that the draft developer guidelines for policy conditions and procedures have been drafted and will become public upon the Tourism Investment Act 2017 becoming law. These guidelines are thorough and clear, whereby any developer anywhere in the world will know clearly if they qualify for tourism investment relief and how they can go about applying for a Tourism Investment Order.

Mr. Speaker, the Bill will provide a simple process to administer the incentive and investment relief and our hope is that this new vision will be met with optimism for Bermuda's future.

In closing, Mr. Speaker, the proposed incentive relief for a Tourism Investment Order is purely based on the level of investment that is to be financially committed over a period of time, and if a developer does not meet that stated criteria, then they would not qualify.

Mr. Speaker, I would like to thank the technical officers and, particularly, I would like to single out Mr. Andy Burrows, Chief Investment Officer of the Bermuda Tourism Authority, for his tireless energy and work in assisting the Ministry responsible for tourism in developing this new Act. Mr. Burrows' research

and support has been instrumental in delivering what we believe is the beginning of a new era for hospitality investment and development in Bermuda.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

We recognise the Shadow Minister, the Honourable Member from constituency 30.

Honourable Member Scott, you have the floor.

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

First of all, Mr. Speaker, I would like to say that we do support this legislation. Again, as the Minister has stated, I would like to give congratulations to the former Minister of Tourism, Michael Fahy, for drafting the legislation and also to the support of Andy Burrows and other members of the technical team. And kudos to the Minister for bringing forth the legislation largely unchanged.

My understanding is that there was wide consultation and scope and the legislation actually reflects the intent of all the parties, and I think it reflects the agreement between the parties. And the finished product is one that is going to help us to create jobs, it is going to help us to create opportunities, and it is hopefully going to encourage people and spur investment into Bermuda and its tourism product.

As the Minister has said, we must find a way to get Bermuda going. Tourism was, for a long time, one of our twin pillars and international business has taken that over, so it will be good to bring that product back and to bring it to the point where people come to Bermuda not just for international business, but they come here because they enjoy Bermuda as a place to vacation.

Mr. Speaker, it is anticipated that this legislation will lead to job creation and when I speak of job creation I do not mean jobs at the lower end of the spectrum, but it is my hope that jobs will be created [in] senior management, middle management, all the way down, and that Bermudians are not going to be expected to be chambermaids, but they should anticipate being general managers of these hotels and other facilities.

**The Speaker:** Yes.

**Ms. Leah K. Scott:** I think the Bill actually creates a level playing field so that local tourism developers can participate in the product. I think that it is a good idea that it is not limited just to hotels, but that the legislation actually gives consideration to things outside of hotels. So if people are interested in investing in historical sites I believe the legislation will allow for that. So it creates a greater diversification.

I also note that the legislation has a sunset clause. So hopefully, since local developers which do not invest within the next five years are going to lose

the opportunity, so I hope that this motivates them to take advantage now of what this legislation has to offer.

Finally, Mr. Speaker, we do not just want to improve our hotels, we want to have a tourism product that is first class in all respects and I think that this legislation is going to be the opportunity to create that. And as the Shadow Minister, I look forward to working with the Minister of Tourism in implementing the legislation and to moving Bermuda in a different direction with its tourism product.

Thank you.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 6. Honourable Member Furbert, you have the floor.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

Mr. Speaker, I think we can all agree on this particular Bill this afternoon. I can see that . . . first of all, I would like to thank the Minister for bringing it forward. But there have been several Ministers that have been involved, and I understand the Honourable Member Leah Scott has mentioned [some]. But one in particular was my good friend, the Honourable Shawn Crockwell. And I believe you mentioned that name also. Because the way I see it, it started way back in June 2013 as a strategic hotel investment plan that was in place when Shawn was there. Shawn was actually the Minister at that time. So I would like to thank him for all his work that he has done and, of course, the ball has been passed on from one Minister to another and now it is here.

Mr. Speaker, I would like to also thank one of our former colleagues, the Honourable David Allen, who [brought] the first concession in 2000. I remember [when] that one came up here . . . when he brought that to the House. It was a good day because we felt like that was a good Act at that time. But it lived out its period. It did work for a period of time, but as time goes on changes have to be made. And so we are thankful that the Ministry and the BTA have been working together to get this particular Act moving forward.

There is no doubt, Mr. Speaker, that one of the most important things I found over the years and . . . as a matter of fact, when I was the Minister in 2012 we were actually looking at doing a new concession Act at that time. But we got busy and involved in other projects and then, of course, the big election was called in December of that year. But hotels in general in Bermuda have not been as profitable as they should [be]. And investors look at these particular returns when they make an investment, whether they will make a return on their investment.

You have got two things, the cost of doing business and, I believe, at that time the actual occu-

pancy was about 66 per cent or something like that, 67 per cent, which makes any investor nervous going forward. Hence, probably why we have not seen any real large hotels being built since Southampton Princess. So the whole idea of us as legislators and particularly as Ministers, having to continue to revise our plan to ensure that there are returns, first of all, to encourage investors to invest. And I believe that this particular legislation moves in that direction—the Tourism Investment Act 2017.

Mr. Speaker, like I said, we still had to move on a few other things. And one thing, in particular, I know. I mean, the Hotels Concession Act regarding the payroll tax and land tax and the hotel occupancy tax is good, but one thing . . . and that is . . . because at the end of the day, that will [end]. Ten years from now, and hopefully the occupancy level is probably up to 70 per cent or 80 per cent, that would be tremendous. But if we can do some other things I believe for hotels going forward in particular in the fuel . . . the cost of fuel for hotels is tremendous. And I believe the BTA and the Minister, with other Ministers, will work to try to find some way to lower fuel costs for the hotels.

Because like I said if we are going to have these investors coming down here we want to be the cream of the crop or the place where hotels . . . and let us admit it, there are not too many places left. We still have the Sonesta Beach property, and, of course, the 9 Beaches property. And probably that is it as far as new hotels are concerned as far as land. But of course you have got Elbow Beach which is a prime property and which will allow hopefully an investment company to undertake that property. I consider that property the best property in Bermuda as far as for hotels. But if we can attract some significant investors there to redo that hotel, I mean right now they have got very limited beds, I believe it is about 60 rooms, I think it is. For that huge place it is . . . I would be amazed to see whether they are actually getting a return up there. Every time I hear the actual investors are pouring more money into that particular hotel.

So if we can find other means to help out these hotels going forward, it will be good for the industry because at the end of the day we will increase more job opportunities for Bermudians going forward and because it will allow our GDP and everything else to increase.

So I thank the Minister for bringing this Bill today and I would also like to thank the former Government because, at the end of the day, they were working on this before we got there. Although, while I was there a few of us met with them to work to come to some agreements with the BTA, so it was a collective bargain of working together to make sure that we had the right thing that works for Bermuda. So thank you Minister and, again, I thank the OBA for bringing it forward.

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



Does any other Member wish to speak?

We recognise the Honourable Member from constituency 22.

Honourable Member Dr. Gibbons, you have the floor.

**Hon. Dr. E. Grant Gibbons:** Yes, thank you, Mr. Speaker.

Mr. Speaker, I would like to make a few observations around this particular piece of legislation as well. I think it is important to try and put, I will say, the genesis of this particular legislation in context. And when the OBA came into Government essentially in late 2012 early 2013 we actually noted at that time that the number of properties and jobs in this sector had declined over 50 per cent from the period 1980 to 2013. And the number of properties had fallen from 112 to 47 over that 33-year period.

I noted that the Minister in the brief commented on the Summit that was done in June of 2013. The Honourable Member who just took his seat noted that Shawn Crockwell, the former Member, was the Minister at that particular time. But I think it is fair to say that a lot of credit for that Summit actually should go to the current Chairman of the Tourism Authority, David Dodwell. He was the one working with the new Minister who actually pulled that Summit together. And I would like to comment a little bit on some of the more detailed findings of that particular Summit because I think it is instructive in terms of understanding why this particular piece of legislation was important.

Now, the Minister actually noted in his brief, as I recall, that the Summit was designed to answer three questions. The first was: Why isn't Bermuda getting its fair share of hotel development? The second was: What are other jurisdictions doing to attract hotel development? And the third was: What are the key strategies for increasing hotel development in Bermuda?

And I am assuming the Minister has actually seen a copy of this report which was put together by Bill Quain (he was the moderator at the time). But it was a very interesting and, I would say, probably influential group who participated in that Summit. The Minister actually at the time was not there, but a number of colleagues—I know Honourable Member Mr. Moniz was there, and Mr. Cannonier, and a few others at the time. But on the industry side—and this is what made it very effective—you had some fairly senior people in the industry. For example, Ted Middleton, who was the Senior Vice President for Development of Hilton Worldwide; Mark Purcell, who was the Vice President for Managed Development for Starwood; Michele Wimpling, who was the VP of Real Estate and Development for Fairmont Raffles Hotel International; some others like Jim Burba, President of the Burba Hotel Network; Pierre Charalambides, who was Chairman of Dolphin Capital Partners (who was actually one of the ones that bid on the St. George's site);

Tim Dick of Three Wall Capital; and a few others that I will not go into.

But I think it is important to answer and to set out in a little more detail the first question the Minister noted. And that was: What is keeping Bermuda from attracting its fair share of hotel development? Now, again, this is in June of 2013, and there were a number of things that particularly the industry partners commented on to try and answer that question, to try and explain, from their perspective, having been involved in industry and hotel development, why Bermuda simply was not working from a hotel development perspective. And I am going to mention a few of them because I think they are important to recognise here and some of them have not been solved up to this particular point, so I think whether it is the former OBA Government or the new PLP Government, I think these are certainly very much on the radar screen as well.

So, the first thing that they noted was that Bermuda is too expensive. Perhaps, no surprise there, but they went on to say that several reasons were cited for this including outdated and inflexible labour agreements, an inability to obtain work permits for foreign labour, taxes and duties, and energy costs (which has been a continuing problem for us as well). They also said that the Bermuda Government made it very difficult to develop a project. This was a combination of apathy from Government workers, poor knowledge of the rules and regulations, no central authority to act as a concierge for developers, et cetera. Now, to some degree the former Government actually addressed this through the Cabinet Committee on Economic Development, but also the Tourism Authority was developed in the last few years as well, as we all know.

Another issue which came across loud and clear was Bermuda was simply not competitive versus other jurisdictions which were doing their best to try and attract hotel development—perhaps, no surprise there either, Mr. Speaker. And in time these senior people in the industry said, *Bermuda is just not visible at all*, whereas other countries are actively competing for development. They went on to say that there was confusing brand image—no one at the Summit knew what Bermuda was or would like to be—is it a tourist destination or a convention host, does it feature entertainment or excitement? All, I think, very viable questions. I noted that they said that Bermuda is not competing for development. But there was also confusion about what types of development Bermuda was, essentially, targeting. It tied in at the time with a lack of a real branded image and the competitive situation. They said that Bermuda was quite confusing in terms of what it was really looking for from a development perspective and that created confusion with respect to developers.

The last point that I am going to mention and it was touched on, I think, by the former Member who

just spoke and this is a really important one, is that Bermuda's hotel industry is losing money. Many developers simply do not want to invest when it is clear that hotels do not make money in Bermuda. That was the perspective in 2013 and may explain why certainly the lack of development had been seen in the previous, I will say, 10 to 15 years.

I think there was a clear sense at that time as well, and it was a meeting which went for almost two days, that from the developer perspective, Bermuda . . . they did not see a country that actually wanted them. Bermuda seemed to be trying to live on an old reputation but, as they put it at the time, today's money is not looking for tradition or history; it is looking for a return on investment. So, they went on and the Summit actually spent quite a bit of time talking about the next question, which was: What are other jurisdictions doing to attract hotel development? Which brings us back to the point of this particular Bill in front of us today and a lot of the issues came down to, obviously: tax incentives; revising immigration laws; reducing approval time—in one case from two years to six months; creating one-stop online applications for development; concierge service for developers; subsidising air lift; developing convention centres; legalising gaming; allowing foreign ownership of real estate; and guaranteeing loans and creating instant equity in the development. That was what other jurisdictions were doing according to these rather senior developers at the time. And I think Honourable Members will be aware that a number of these things have actually been put into place by the former OBA Government.

So, the third question that the Minister noted in his brief was: What should Bermuda do to attract hotel development? And there were a number of things coming out of that particular Summit and I am going to touch on some of these, Mr. Speaker, but one of the first ones was *modernise*. They wanted Bermuda to start thinking and acting like a modern jurisdiction that is keenly interested in attracting and holding hotel development. They recommended an overhaul of labour practices. They said the collective bargaining agreement is out of date and does not allow hotel operators to make a profit. They said immigration laws are also impractical for modern nations. In addition, Bermuda needs to utilise technology to streamline the application and approval process, creating transparency and fairness. Fair enough.

In terms of the market they said that we needed to eliminate brand confusion and to begin to diligently and fervently tell Bermuda's story. For example, they said at the time there were several hotel sites on the Island, yet no one had built a sales package to sell those sites. And they cited the Club Med as a perfect example of that, even though, I guess, the former PLP Government had spent almost 14 years trying to actually get that one off the ground. But it is interesting to get a perspective from those in the in-

dustry versus what we actually thought about it ourselves.

They said *make it profitable*. Bermuda has two big problems, according to them—first, existing hotels are losing money; and second, new developers may not believe they can make money if existing properties cannot—one problem is a reality, the second is perception. And we have done a number of things, obviously, in the last few years—not only the Bermuda Tourism Authority, but I think the America's Cup was a good example of getting across the perception that Bermuda tourism is heading in an upward direction. There was opportunity and, as I have said on a number of occasions, it provided I think an extraordinary catalyst, at least from our perspective, to actually get new hotel development moving in a positive direction.

They went on to say, *You've got to make it simple, you've got to have a development plan, and you've got to build a one-stop, red carpet track for developers that is transparent and straightforward*. Make it simple, easy, and hassle free to do business with Bermuda. By stressing simplicity it becomes easier to make decisions. And I think that was, as I have said, one of the reasons why very early in 2013 we recognised (as a former Government) the ability of hotel developers to deal with Government, and that was the reason for the one-stop Economic Development Committee of Cabinet which brought all of the critical ministries and departments together to try and make decisions and try and move the stuff on. And although the Member who just sat down did not mention any of them, clearly, this combined with some of the things that the former Government put into place have gotten some real movement. Not only has Pink Beach been completed, but you have got the Ritz Reserve place up at Morgan's Point, Caroline Bay, and you have got the St. George's development, which is obviously the St. Regis, which is moving along as well, not to mention a considerable amount of money that the Hamilton Princess (courtesy of the Green family) have put into developing that hotel development.

So there were a number of other comments, but their parting shot (and this is the developers), they said at the time in 2013 that Bermuda is a country in crisis when it comes to hotel development investment. As I have said before, we lost nearly 50 per cent of the hotel room inventory since the 1990s and *there is absolutely no development in progress*—was their observation back in June of 2013.

So, clearly, some of these things have been addressed. We have seen some very, very positive news, some substantial hotel development which is underway right now. But it is very clear that this particular piece of legislation is necessary. It has taken a little while to get there but, as I said, it has its genesis in the advice and the comments that were received at that particular Hotel Summit in June of 2013. And former Ministers—and I include Shawn Crockwell in that

as well—worked hard to try and move this forward, and Minister Fahy was cited as well as being one who sort of really pushed on this particular thing. I think the . . . in retrospect, while it got a lot of play, the original Hotels Concession Act 2000 clearly was much too cumbersome and we have seen that a number—and we see it in the Bill itself because a lot of them are being cancelled—that hotels would apply for it, but because of the cumbersome nature of the process, they simply did not follow through. So what is needed is something, as these developers have said and what was mentioned in the conference, is something which is much more transparent, is straightforward, is simple, and frankly I think this Bill addresses a number of those particular issues.

I would like to just touch on a couple of other points which I think are interesting. This particular Bill also has a provision in there for restaurants. And it is not as though there has not been assistance to restaurants, particularly in the hospitality area, through I guess one-off or ad hoc payroll tax issues going back through a couple of Governments. But I think this is the first time that we have actually looked at restaurants as a separate category. Clearly, for established properties, restaurants came under the broader umbrella. For example, at Princess Hamilton you had 1609, you had Marcus' and others which fell under the broader hotel incentive policy, which had been in place before.

But this, as I recall, came out of a concession or an incentive the Bahamas had. Now what was interesting in the Bahamas was, if I remember correctly, they referred to it as a restaurant that was in a tourism sector. So, for example, restaurants, perhaps, that were on Bay Street would have been treated under their particular incentive provision, but perhaps not others. The OBA Government when it put this forward decided that it was going to be very difficult to differentiate between a restaurant which is a tourism-related restaurant and a restaurant that may serve tourists but is not directly tourism related. So I think the solution to that was, as the Bill suggests, to simply move forward and have all restaurants (provided they meet certain criteria, which the Minister has touched upon) be eligible for the incentive. Which I think is probably a much fairer way to do this because one might say that Art Mels is not exactly a tourism-related restaurant, but I am sure some tourists find their way up there. They look at some of these guides—Fodor's and others—and they say this place has got a really good reputation for his sandwiches, as opposed to a . . . I do not know, what would you say, The Pickled Onion, which is right on Front Street and clearly is, in addition to the fact that it serves locals, is clearly more of a tourism-related restaurant. So, I think that is a provision which is worth thinking about as well.

So we will have to see how it works in process, but as my honourable colleague, Leah Scott, said, certainly we support this Bill, we understand

where it has come from, and we hope that it will provide some additional benefit for the tourism sector going forward and that the BTA will work diligently, as well as the Ministry, to move the development process forward.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 2. Honourable Member Swan, you have the floor.

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

Thank you very much for the opportunity to speak here on the Hotel Investment Act. And let me say that I am very pleased to say that the Throne Speech Reply on September the 8<sup>th</sup> addressed the Hotel Investment Act. It was included in that speech on page 4 where it makes reference that:

“In 2000, the Hotels Concession Act was passed to incentivise hotels to upgrade their facilities. Over the past 17 years, this landmark Act has become outdated, and Bermuda must be more nimble . . .”

And we have heard all Members who spoke elucidate on that. We have heard some historical perspective, but I just need to put it into proper context because if the Government that came into place in 1998 felt it necessary to put together a piece of legislation that offered hotels concessions, it must have been because the exodus took place a long time before 1998. I mean, be honest, I grew up in the hotel industry as a boy and up and down this country there were not only hotels, the Southampton Princess was built—and I might declare my interest because my grandmother, Emily Hall's property was amongst those that had compulsory acquisition to build portions of that hotel thereof. Years later I might add, Mr. Speaker, there was some objection as some of those very lands were then used for some residential properties and it was met with great objection, and for good reason because you cannot have properties . . . convince people that they have to surrender their property on the one hand and then, on the other hand, 20, 25 years later find a reason to sell off those very lands for residential purposes.

Now, if we looked up and down Bermuda in the 1970s when it was the heyday of tourism, not only was there the need for the Southampton Princesses to come about or other properties to operate, but there was a tremendous participation in the hotel product, may I say, from Mr. and Mrs. Bermuda.

Up and down, particularly in parishes such as Warwick and the like, which was referred to as the Gold Coast and other parishes, persons opened up their homes and entertained visitors. They rented out, they built apartments to cater to . . . they built pools, not for their own personal luxury, but to cater to our very tourists who came and enjoyed it. And it exempli-

fied the very thing that is most precious amongst Bermuda's tourism product, and that is our people.

We, our people, participated far more in the tourism connection than at any time. We were there, we were educated there, we would socialise there, we took our second and third jobs there, and some of us owe our lives there. And let us not forget that a component of this very Act speaks to employment and speaks to employment as a carrot. And I say it respectfully, I like carrots. I eat them more than ever today. But it speaks to employment.

But let me dare say that getting more Bermudians in our tourism industry will serve our industry far better, because I hear it, even if you do not hear it. People keep saying, *Why do I come to Bermuda and I don't find myself served by Bermudians?* It is a problem, and we are a naturally hospitable people, with social challenges that spill over into how we go about our daily business.

But you know, Mr. Speaker, let us look from the east, or the west, and come down and look at the properties that existed in Bermuda that served our tourists. Where did they go? When international company business . . . it did not just pop up. There was a plan in the 1970s for insurance. I remember as a young boy going away to college and a very noteworthy educator who I consulted said, *Well, what do you want to be?* And I said, *Well, a golfer.*

[He asked] *What are you going away to study?* [I said] *I'm going away to play golf.*

[He asked] *What are you going to be when you grow up?* [I said] *I'm going to be a golfer.*

[Then he said] *But let me just share this with you, insurance is the way forward.* This was in 1976. He was a golfer as well, but he was also one of Bermuda's most preeminent educators and he went on into finance and became a Financial Secretary and a great advisor to companies and a great advisor in many areas. I am speaking about Mr. Mansfield Brock when he was in education, right down there in Point Finger Road in the 1970s. That is what he said to me.

So, the move towards insurance was taking place before it happened, and I am sure there were those who were visionary who could look down the road and see what impact that would have. And what knock-on effect did it immediately have? It had places such as . . . and you would know them in your constituencies, Honourable Member, up and down, whether or not it be in Sandys and Southampton and Warwick and Paget and down through the like. You know the properties that moved towards condominiumising, when the Condominium Act, one of the first, as a young fellow going to a place and hearing about these condominium acts in my early 20s, all right, when it came into being around 1981, '82, '83 or thereabouts, okay, and how it would transform the way people look at their own properties. They moved away from the hotel and the service industry—the connection, the very connection with our tourists, right?—and moved

toward getting long-term leases. It was more security for them and so they went there. And with that, more people gravitated away from [hotels].

And when we look at the concessions that are included, I, as one who is connected with persons from the labour community, must say that we must do all we can to encourage our partners in the hotel industry—the owners and the managers and the people in the board rooms and the decision makers—to look towards Bermudians. Look toward Bermudians to participate in our hotels [in a] wider [way].

The Honourable Member, the Shadow Minister, said that she would like to see more persons in there. Absolutely! Look, I remember in the 1970s at the Belmont Hotel when Trust House Forte had one of the first Bermudian local managers, Mr. Dillas. And it is still a novelty today, almost some 40 years later. When it was very novel for even a black Bermudian to be a maître d'hôtel and the amount of training that one had to put into, from a Bermudian standpoint, to reach that level. I can remember as a young upstart getting training to go away to college seeing persons come here to Bermuda as assistant managers and later go on to own hotels. That is the type of vision that we need to see for our own people, not talk about, see it realised because it can happen.

And as this Bill speaks to restaurants and it speaks more generally to amenities, let us look at that also because when it comes to tourism the product that the people have . . . it is one thing to get them here, the product that they have, the service that they can get through that product is vital.

In a Ministerial Statement this morning (I do not want to reflect) it spoke about our fortresses and things. These are the types of buildings that we have that we can enhance, Mr. Speaker. And I had only a tour yesterday (thanks to the Minister for providing an opportunity) to see a bit of the challenges that we do have as we restore some forts and the amount of vegetation that has . . . You know, when a Casuarina tree takes root, and it takes root of an old historic building, crumbling with that is much of what we could be selling to people on a daily basis.

So, I think that since the 2000 Concession Act . . . are you going to get the mousetrap right at the beginning? No. When you build a mousetrap, it is those sitting opposite who have a trained eye to look and to point out how the mousetrap could be better. But you have to look at the intent. And that is what we have got to do with this Hotel Investment Act here. Look at the intent. The intent is to bring more capital into the country to boost our tourism industry and to make our tourism industry more vital.

Will it ever be what it once was? It would take some doing, but you have to have that ideal in your heart and your mind from the first start when you set about it. But it is important when you do so to look comprehensively, not just from a political standpoint from 1998 to today, but look at tourism from the

1960s, from the 1950s, and look at [the time] prior to representative Government in 1968 when Bermuda was enjoying success in tourism and how politics came into being, and look at people in the tourism industry, even today, who are getting involved in it because of business interests.

And let me say this, Mr. Speaker, while I am on my feet. About five years ago I remember writing an article speaking about this very same thing, about encouraging Bermudians back into the hotel business, and it is happening. I do not know about you, but when I knocked on those doors and somebody came to the door, *Oh, how are you doing?* From Connecticut. *Where are you from? From Denver. Oh, wonderful!* And a nice little conversation strikes up and they knew people I know in their life . . . Airbnb . . . Bermudians are getting back in the industry. Why? Because working class Bermudians and middle-class Bermudians who are under siege, who are looking at ways in which they can make a living in this country. And that is a good thing to see Bermudians seeing opportunities in the tourism industry.

And so, in the Throne Speech Reply they were also making references with regard to tourism [as] to how to enhance that as well. Because as we see more Bermudians looking towards tourism, the way in which Bermudians moved away from tourism to look at international company business, then we start engaging our own people to help us grow ourselves out of the economic difficulties that we find ourselves collectively in.

And so, Mr. Speaker, I support this Investment Act for a very good reason. We need to encourage foreign investment here on our shores. But let us also appreciate that we need to encourage more Bermudians in this industry as well. And we cannot do so by putting road blocks in their way. And what would a road block look like? A road block would be in the way of a personality profile that would stifle a person, even a current speaker, from doing what they know they can do in the place they love as well as anybody does here in this Chamber. No one that sits up here can be faulted with not loving this country. But there are instances in this community, in this country, where those from outside of our country—and we need them and we appreciate them—can see the Bermuda dream working for them but not for us.

Let us get out of our own way, Mr. Speaker, as we look at what training really must look like. Because I know people who came here that did not speak very good English at all. I know them. I have lived long enough to see them end up in the boardrooms, okay? That is the type of vision that each and every one of us in this Chamber must hold for this country. The least of us must be able to come from White Hill, Dock Hill or on the hill up at Ferry Reach or Wellington Hill and, not knowing where our own potential lies, people that are teaching us, training us, see things in us, in our children, that they do not nec-

essarily see in themselves. But we must, as a country, not stand in their way.

Whilst it is necessary to legislate that we must have “X” amount of levels of employment for our people, let us all in this House look and feel unashamed for, as I experienced when I went to my stepson’s wedding in Japan, that people in other jurisdictions do not make any excuses about making sure that their people get ahead. They work at it. And people will respect us greater if we collectively do that.

So, Mr. Speaker, I certainly feel that the Hotels Concession Act 2000 had a good spirit. But it was not born out of what took place in 1998. It took place for the reason why Salt Kettle is no longer a quaint little place to go have lunch or take a weekend vacation or for tourists to visit. It speaks to why hotels opted to condominiumise instead of selling out to another person. It was economic reasons. And we must make the economic reasons more necessary and viable for people to come back here. Why? Because the hotel industry employs working class people to a greater extent.

And let us not undervalue the value of what a working class person offers to this country. Because they are the ones who helped educate me and they are the ones who helped build this country and they are the ones who felt it necessary to have a collective bargaining agreement in place because they could not trust the establishment to act in their best interests. They are the ones that had to get political and organised. And the young people out here today that feel that working for \$15 an hour without any insurance is going to serve them well, because they do not get sick to the extent that a 60-year-old or a 55-year-old that is being passed over for work, and there you are only making your country worse for your children when they grow up. And that is the reality of tourism.

And the spirit must get right, the intent must get right, and the value of people needs to be more, Mr. Speaker, than just a percentage. It needs to be the intent from the heart.

Let me, in closing, congratulate Grotto Bay and Pompano. Now there are others, I am sure, but I pass Grotto Bay a lot on my way to Pompano where I practice teaching golf on their doorstep. And I see the example of getting Bermudians involved in the industry, practiced by Bermuda-owned and operated businesses. So it can work if the will to do so exists across the board. And we as legislators, in my respectful opinion, Mr. Speaker, have a responsibility to not find the negative things to say about our people, but the positive. Because anyone who is in my industry who is a practitioner, fires someone immediately when they keep talking negative. You have got to be positive.

So in order to be a good ambassador that person that you are serving and catering to in that hotel has already come from the problems in Boston and New York and Philadelphia and [Washington,] DC. They do not want to hear about it here. But we have to

teach them. And when our people were imbedded in the hotel industry, our young people learned that from jump, as we used to say back in the day.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 9.

The Honourable Member Moniz, you have the floor.

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

I will applaud the Government for bringing this Bill before the House today. It is a Bill that did require a lot of work and toing and froing on. I know in my previous ministry and the Ministry of Legal Affairs we spent a lot of time discussing the drafting of it. I also, when I was a Member of Cabinet, sat on the Economic Development Committee and, as my honourable colleague, Dr. Gibbons, was kind enough to mention, I was one of the attendees at the Tourism Summit that was held by the then-Minister of Tourism, Shawn Crockwell. So, I have some history of these matters although I do not claim to be any form of an expert in it.

But one of my concerns has always been that whatever we do, that somehow we are able to measure it. So, when we are giving these benefits, what are we hoping to get back? What is our aim? What is the feedback loop? How will we know if we have been successful? And that is where I think we have been weak, on the analysis. We have a lot of good ideas and a lot of those ideas work, but how well do we analyse them to say, *Well, this is a success or this is not such a success?*

And, to be fair, when the PLP were Government previously back in 2012, I think there was a Tourism Plan that was tabled. And at that time I thought that plan was . . . I mean, the kind word for it was that it was “aspirational.” I thought that it set goals which were unrealistic for Bermuda. Bermuda, clearly, is not a mass market for tourism. It is a very small country physically; it is a very small country in terms of the labour pool that we have. And you know I see repeatedly Members saying, *Oh, well, you know, these jobs must be for Bermudians. We have to have Bermudians for these jobs.* But at the same time the Government has admitted through the Minister that there has been a big problem with Financial Assistance. Financial Assistance is well north of \$53 million a year. And we have a category called “able-bodied unemployed.” And you know, do those able-bodied unemployed easily plug into jobs in this industry?

Normally what we have is people who work really as casual labour in construction. When the country is booming and we are building we have a lot of construction jobs which casual job guys can step

into them. And if they have reasonable skills they can make a lot of money and still change employment easily. They are not really stuck.

But we really have to figure how big our labour pool is. It is a very finite pool. And you know I always think when I listen to people in Bermuda saying, *We're going to build all these hotels and all the staff are going to be Bermudian—the vast majority of staff are going to be Bermudian from bottom to top—* and then when I go abroad to another tourism centre, be it Boston or New York or London, I meet the staff in the hotel and, of course, they are largely foreigners. They are not from that place. If you go to a hotel in London the people working in the hotel are not English people. The same thing applies in New York. So, you know, it is a common phenomenon.

So I hear speaker after speaker saying how all these other countries protect their locals. But there is only a limited extent to which you can do that. If these companies come here, they need to fill their staff with the highest qualified employees to produce a premium product. And that is the problem. You know, I see Mr. Andy Burrows here from the BTA. He is originally from the Bahamas where they have a great tourism industry. And what you know is that with respect to . . . I bet you will see a lot of foreigners employed there. So what happens here is you are going to need a premium product.

Why do we need a premium product? Because Bermuda is very expensive. Why is Bermuda very expensive? Well, the local labour is extraordinarily expensive compared to other countries. If you look at the price you are going to pay to a low-level worker in Bermuda compared to the Dominican Republic, what do you think the comparison is? I would deem it is probably 10 for 1, you know, there is a huge distinction. So what a lot of people went to were low-cost destinations—whether you are looking at Cancun, Costa Rica, Dominican Republic, all of these places—they were developing countries where their basic costs were very low. Their costs for land were low, their cost of electricity was low, their costs of labour were low, and so all their overheads were low, you know? And that is not the case in Bermuda.

Bermuda is a premium destination. We recently heard it said [that] Bermuda is the most expensive country in the world, so all of our costs are sky-high. And my honourable colleague, Dr. Gibbons, mentioned it, he talked about collective bargaining agreements and the agreement which ended up being counterproductive was one of the agreements saying, *Well, when you reached a certain level of occupancy you had to have full employment in the hotel.* And those were all barriers to developers coming in and capital investment because they are looking at how they can reasonably expect to get a return on investment that makes it worthwhile for them putting their money into Bermuda. It was a very difficult situation.

The Members of Government must admit that the previous PLP administration squandered all these opportunities. Yes, tourism went down over many years. Yes, it went down since the great labour strike of 1980; it started on a downhill and that was not the one and only factor, but it was an important factor. And you know we saw . . . how many millions of dollars did we see wasted on GlobalHue and people like Amlin, all those sorts of people? How much money did we see wasted on very poor advertising campaigns—terrible. Money just flushed down the toilet. And there were all sorts of allegations of baksheesh and kick-backs and all the rest of it. And what has now happened is that we have turned it around. And I will give the BTA their due that, in terms of their marketing campaign, it has been extraordinarily successful. In terms of repositioning Bermuda and reaching out to the customers that we want to come here to Bermuda, it has been an incredible success.

But, you know, we have to continue that success. It is not going to be an easy thing. And what I have found about the now-Government is that they have very much a split personality—

**An Hon. Member:** What?

**Hon. Trevor G. Moniz:** —on events like America's Cup. One moment they say *America's Cup is wonderful, we fully support it; can we have some tickets?* Then the next moment they are saying *it was for rich white people, we hate it, it was a waste of money.*

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** See, they are all chundering away over there now . . . they are all chundering away. So they have to decide. Do they support it or do they not support it?

And, again, my colleague, Dr. Gibbons, laid out some of the things that came out of that. But let us just say this is the sort of synergy that you need. And now the Government—to give them their credit—are talking about an Event Authority. Now, we on this side do not agree that this is the way to go, but at least they are thinking in terms of events. You would be better off to use the vehicle you have—the BTA—than trying to invent another additional vehicle that is only going to cost you more money when you are trying to spend less in order to balance your budget. So that is one of the problems you get.

But with respect to the America's Cup I will just repeat some of those successes. If we look at . . . Look, the PLP Government produced for Bermuda the complete White Elephant of the Grand Atlantic. It was a disaster. It was a disaster. So what did the OBA do? They took lemons and made them into lemonade. We got the America's Cup and we filled up the Grand Atlantic and it was generating revenue out of rents.

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** Now how could we do that any better than that?

And that Honourable Member will get his chance to reply. So he can hold his comments there.

**The Speaker:** Speak to the Chair, speak to the Chair.

**Hon. Trevor G. Moniz:** But, you know, he who knows it feels it.

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** I feel it—

**The Speaker:** Speak to the Chair, gentlemen.

**Hon. Trevor G. Moniz:** I feel it. I am a Bermudian—

**The Speaker:** Not across the floor—

**Hon. Trevor G. Moniz:** I feel it.

**The Speaker:** —conversation, speak this way.

**Hon. Trevor G. Moniz:** I feel it. Well that Honourable Member is living in cloud cuckoo land. He just has to accept where we have to go on this.

If you look at the investment . . . you know, that Honourable Minister said in his presentation how it is so difficult to get investment in Bermuda. But as we have already said on this side, look at the investments that we have achieved in the four and a half years of the OBA administration. Look at Pink Beach. Look at what I said already that we did with Grand Atlantic. Look at Morgan's Point. Look at Desarrollos. Look at all of these hotels, that we had success marching uphill . . . marching uphill!

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** See, that is the difference between me, Mr. Speaker. He said, *Look at where you're sitting now.* I am not in this for personal benefit! I am in it for Bermuda!

*[Inaudible interjections]*

**Hon. Trevor G. Moniz:** All he cares about is where he is sitting.

**The Speaker:** Speak to the Chair.

**Hon. Trevor G. Moniz:** He is on the front bench over there so he thinks he is a wonderful boy. But that can change pretty quickly.

**Hon. Diallo V. S. Rabain:** Point of order, Mr. Speaker.

**The Speaker:** Well, take your time, take your time. Yes?

#### POINT OF ORDER

**Hon. Diallo V. S. Rabain:** If that man calls me a boy again I will not be sitting here, I will right over there.

**The Speaker:** Member, let me deal with that. Let me deal with that.

*[Inaudible interjections]*

**The Speaker:** Let me deal with that, Member—

*[Inaudible interjections]*

**The Speaker:** Member. Minister, Minister, take your seat.

*[Inaudible interjections]*

**The Speaker:** Member . . . Minister!

Mr. Moniz, I was slow reacting on that, I am going to ask you to withdraw the comment.

**Hon. Trevor G. Moniz:** I will withdraw that. I hope the Members—

**The Speaker:** Let's not go—

**Hon. Trevor G. Moniz:** —on that side will do likewise.

**The Speaker:** Let us not go to that level, again. Thank you.

**Hon. Trevor G. Moniz:** No, but I hope those Members will do likewise. He said, *Look at where you're sitting now*. That is just as insulting.

**An Hon. Member:** No, it is not!

**Hon. Trevor G. Moniz:** Yes, it is.

*[Inaudible interjections]*

**Hon. Trevor G. Moniz:** Yes, it is.

It does not bother me because I am robust, unlike you. I did not jump up and down and scream.

*[Gavel]*

**The Speaker:** Mr. Moniz!

**Hon. Trevor G. Moniz:** Yes, Mr. Speaker.

**The Speaker:** Speak to the Chair. The conversation is between you and me.

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

**The Speaker:** Continue.

**Hon. Trevor G. Moniz:** So, in spite of all those difficulties as I was saying, Mr. Speaker, we had great success in getting hotel investment. And we had the help of the BTA and all the other forces in Government. But you saw that we have had investment in the Hamilton Princess, which ranged well north of \$80 million; we have the Morgan's Point; we have had Desarrolos; we have had the Pink Beach; we had Surfside.

*[Inaudible interjections]*

**Hon. Trevor G. Moniz:** What major hotels were opened during the last administration of the PLP? All I am saying to the Government now, Mr. Speaker, is that—

**The Speaker:** Conversation this way, please.

**Hon. Trevor G. Moniz:** —they had better recognise that you have got to put your weight behind what you do.

So you can bring an Act here, but it requires a lot more than that. The complaints whereof the investors or potential investors spoke at the Tourism Summit was the lack of cooperation that they had from the previous government in Bermuda. Now, I am not saying that this is the same with this Government, but I am putting a warning out there that they have got to say that they are going to figure this out and analyse it properly to say, *Well, what's a good return on investment?* If you go too far one way or the other, if you become too strict with your labour requirements, it is not going to be attractive for investors because we simply will not have good people to fill those jobs because we are such a tiny community.

One of my questions has always been, What is the right size for Bermuda tourism? You know, one of the interesting things we have seen is the expansion of Airbnb. We have got a new category of visitor in Airbnb and that income is spread throughout the community, which is a very positive thing. It goes to very average people who have an apartment in their home that they can let on an Airbnb. If we get the hotel in St. George's started, if that is finished quickly, if we get the Morgan's Point . . . if we get the other hotels up and going, hopefully we will get the casinos going forward (and I know there is some suggestion about the casino regulations, how soon they will be ready, and I am sure the Minister can address when we are likely to be able to move forward on that)—if all



of that works, what is the projected employment from those hotels?

So, in terms of new hotels mentioned under the Bill before us today, will we have the labour capacity to provide labour for new hotels on top of the ones that have already been approved?

All I am looking for is an economic plan or business plan going forward. What is the real proper size . . . what is the right size for Bermuda tourism? Who are we competing with? You know, we are physically small; we have a small population; we are obviously a very expensive jurisdiction, and there is a limited amount that we can do about that. So what is the right size for our tourism industry? And obviously we are looking for a premium product, which we have been able to drive forward so far at a premium level, and that is what it will have to be.

Thank you, Mr. Speaker.

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

I recognise the Deputy Speaker.

Deputy Speaker, you have the floor.

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

You know, Mr. Speaker, I really did not have any intention of speaking on this Bill. But hearing from the other side it forces me to get up. I cannot sit down as being a representative of the people. When you start enunciating “low-level employees,” that irks me, right? Every employee in this country . . . every employee in this country deserves respect, regardless of what profession they work in.

*[Desk thumping]*

**Hon. Derrick V. Burgess, Sr.:** And you know the previous Government has a history of disrespecting, particularly, foreign workers. When you have workers coming into this country and wanting to pay them \$7 an hour and have them herded up like cattle in living conditions. If you look in the Bible, Leviticus 19, verse 33, it would tell you, when you bring people into your country you treat them right and you pay them, not exploit them. So I am going to let you know that I have respect for all workers, no matter where they come from.

*[Inaudible interjection]*

**The Speaker:** Mr. Moniz, you had your opportunity. I asked you before not to comment across the floor.

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker?

**The Speaker:** Yes, Deputy?

**Hon. Derrick V. Burgess, Sr.:** Thank you.

Mr. Speaker, the speaker who just took his seat talked about the high cost of labour in Bermuda. Well, let me remind others in this House (because maybe others would understand) that the hotel workers are the lowest-paid workers in this country. In fact, it was about two or three years ago (maybe a little longer) that the hotel workers, despite them being the lowest-paid workers in this country, took a wage freeze in order to assist the industry to get to a level.

Mr. Speaker, when he talks about the great strike of 1980 . . . does he know what those workers were not getting or getting? They did not have any pensions, maternity leave, sick leave, and had to work six days a week. When this country was on a 40-hour work week, five days a week, the hotel workers were working six days a week. We had to fight for that; that was never given to us.

Hotel workers have had to struggle in this country. Bermudians and foreigners have had to struggle. And let me say, for those who think that it is a black thing, it is a workers' thing. I remember one time a reporter asked me when I was President of the Bermuda Industrial Union, he said to me, *How many white members do you have in your union?* I said, *Well, that never dawned on me. I don't look at them that way; I look at them as workers.* And even up to today . . . Chris Furbert will tell you the same thing, Ottiwell Simmons will tell you the same thing, Molly Burgess will tell you the same thing. We do not know. We do not count workers by race; we count them by workers.

In fact, Mr. Speaker, in the 1970s we were negotiating for a wage for our workers, and people tend to want to blame the Union or put the responsibility on the Union for gratuities. That did not come from any good union; that came from the employers. The employers put a proposal together and said, *Look, let's charge 10 per cent, 15 per cent* (whatever it was at that time). So it was a fixed rate. And that was in order to pay the low-paid workers, like the room attendants, dining room staff, bellmen. That is where that money went because at that time they were making under \$100 a week in the 1980s!

And they talk about the cost of labour? For every benefit in this country workers have had to take to the streets. Nothing was given to them. Nothing comes without a struggle, and we struggled to get to where we are today. And they still have not arrived there because they are still the lowest-paid workers in the country. And I can tell you the Bermuda Industrial Union and the workers in that division have bent over backwards to help the hotels to get to a level so our people can not only have employment, but the hotel owners can get some returns on their investment, Mr. Speaker.

And they talk about hoteliers, investors, finding it to be difficult to invest in Bermuda? Well, that is why David Allen brought the [Hotels] Concession Act back in 2000. He brought it here to try to encourage

investors to come to Bermuda, Mr. Speaker. In fact, you know, Holiday Inn Hotel (Club Med then) closed in 1988. In 1998 there was no investment from the previous Government.

And Mr. Speaker, during that time—during our time in Government—we had an investor for that hotel down in the East End. He came to Bermuda; he wanted that hotel. In fact, he flew us—the Union—to negotiate in Atlanta on what he would like in a collective bargaining agreement. He even had benefits there for not only the workers, but if the workers had children, he said they could bring them to work; they would put a nursery there for them. That is the type of thing . . . and we do have some good employers, good investors. And what happened during the . . . it was what they called the black . . . whatever it was, they had a blackout on Wall Street, whatever, he lost his investors anyhow. Those were some difficult times. So we lost that one.

And we had others that were on the hook. It was not like the other side [who] would tend to make people believe that the Progressive Labour Party Government were not trying to get investors in this country. [We] tried. Every Minister we had tried to get investors in this country. They do not come because the PLP becomes Government. They do not come because there is an OBA Government. They come when they have money to invest. And some happened to come whilst they were in Government. And we applauded that, we supported that.

In fact, it was the Honourable Minister Zane De Silva who said, *Look, if we have got to stay in Opposition for 10 more years, if you can bring some investors in this country and hoteliers, that would be great!* So it is not there from any personal gain. In fact, Morgan's Point . . . all those things started under us, but they matured under them. They started this new hotel that the investors were supposed to come there, but [the OBA] will not cut the ribbon, [the PLP] will cut the ribbon. That is how it goes. We inherited this. We are not complaining about what we inherited. When you seat a Government, you inherit some things. We inherited and we will do what we have to do in accordance with that inheritance, Mr. Speaker.

You know, they talk about the Grand Atlantic. A lot of plans they had. In fact, they had an investor on the hook to sell it for \$9 million. Well, that fell through. We did not wish it would fall through, but it fell through. Mr. Speaker, they criticised that. They have not criticised what they have given—all the gifts—down at the airport. You gave away our post office down there, the depot, and said that if we are not out by a certain time we have got to pay \$600,000. We are moving, but it is going to cost us. It is going to cost us \$30,000 a month, plus \$290,000 for fit-out—\$650,000 for the first year. And we have got to pay \$30,000 per month.

They will not criticise this. Nor does the newspaper criticise it. Yet they can make a lot of hay be-

cause our Cabinet cost \$150,000 more. They can give that three days of [coverage] in the newspaper, but they have no criticism for what the previous Government did down at the airport. They gave everything away. In fact, we do not even know what they have given away; we are trying to find out now, Mr. Speaker.

So, Mr. Speaker, as I said, I did not plan to speak, so I have said what I wanted to say and I guess I am going to sit down.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Minister Brown.

Minister Brown, you have the floor.

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

Like my honourable colleague who just took his seat, I had no intention of speaking, but the Honourable Member Moniz provoked me to get to my feet because the comments made by the Honourable Member should not go unchallenged.

First of all, the Honourable Member has provided an imagined history of why tourism went into decline. It is a typical, right-of-centre argument that tourism went into decline because of the general strike in 1981. Everyone should know that there was a concerted effort by the then Government to actively promote international business because they saw that as the opportunity. And so when I hear comments that just denigrate the Trade Union movement because they were compelled by circumstances and by an intransigent Government to actually go on strike . . . Nobody wants to go on strike. And certainly a general strike is never the first step for anyone. It was the combination of circumstances provoked by the party of the OBA's predecessor party.

**An. Hon. Member:** Mr. Moniz's party.

**Hon. Walton Brown:** Mr. Moniz, I believe . . . I do not know if you were a Member of Parliament then, but—

*[Inaudible interjections]*

**Hon. Walton Brown:** Not then. I am still going to hold you partly responsible.

So, Mr. Speaker, it is an imagined history. Tourism went into decline for a multitude of reasons. But their Government was actively focused on the development of international business.

**Hon. Trevor G. Moniz:** Point of order.

**The Speaker:** Minister, will you yield?

Point of order, Mr. Moniz?

**POINT OF ORDER***[Misleading]*

**Hon. Trevor G. Moniz:** I think the Honourable Minister is misleading the House. I said that the strike of 1980 was a factor. I then said there were a lot of factors, which is essentially the same thing as he has said.

**The Speaker:** Minister, continue.

**Hon. Walton Brown:** That is exactly the point, Mr. Speaker. There were a multitude of factors, but the Honourable Member picked out one. So when you pick out one factor and you focus on that, it tends to give the impression and certainly for those who are listening that this is exactly the intent of the Honourable Member's comment, to focus on the trade union movement and the general strike.

Mr. Speaker, the Honourable Member also spoke about this contentious matter involving the America's Cup and the position that this party took with regard to the America's Cup. For the sake of clarity, Mr. Speaker, the concerns expressed on this side about the America's Cup had nothing to do with the potential for the development and growth of tourism. It had nothing to do with the potential for real business opportunities. What it had everything to do with, or largely to do with, is the fact that you were taking state money—taxpayers' money—\$110 million (and yes, somebody can do a point of order and correct me on the exact amount) . . . \$110 million and give it to the private sector.

Mr. Speaker, give me \$110 million and I can find a hundred businesses that would do very well. Of course, when you take state money and you give it to the private sector . . . it was a windfall. How could things not be successful? Yet, the same Honourable Member condemned a whole series of policies that the Progressive Labour Party had engaged in over inappropriate use of funds. What was the \$110 million? A highly inappropriate transfer of wealth to the wealthy. I cannot speak for my partners, but my concern is that when you give tax breaks to billionaires to make millions, it is a problem. It is just a fundamental problem. So we have to address that.

It is a little bit of a stream of consciousness thinking, Mr. Speaker, because the Honourable Member also spoke about the disastrous tourism campaign under the Progressive Labour Party. The worst campaign we ever had was instituted by the Chairman, or outgoing Chairman, of the BTA—*Let yourself go!*—roundly condemned by everyone involved with tourism . . . roundly condemned.

So, you know, if you want to have an assessment of where we are and why we are where we are today, at least let us start from a basis of looking at all of the relevant facts. Selective facts lead to a skewed

argument, a weak argument, and an illogical argument, Mr. Speaker.

And then we talk about the issue of workers, Bermudians, guest workers, and so forth. There was a sentiment expressed consistently on the OBA side, although I am hoping that all the new Members in the OBA will embrace the same position, Mr. Speaker, that we need to bring in people because either we do not have the expertise or because our prices are too high. As the Minister responsible for Immigration let me make it very clear, Mr. Speaker—

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

**The Speaker:** What is your point of order?

I recognise the Honourable Opposition Leader, go ahead.

**POINT OF ORDER***[Misleading]*

**Hon. Patricia J. Gordon-Pamplin:** I think the Honourable Member inadvertently may be misleading the House. This was not the position . . . the stated position was that we did not have sufficient manpower—nothing to do with the cost, nothing to do with expertise. It was that we did not have sufficient manpower.

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

**Hon. Walton Brown:** Thank you, Mr. Speaker. I am prepared to accept that.

It matters not. The answer to the argument is we need to address the issue of labour. From this standpoint and as the Minister responsible for Immigration let me say very clearly and categorically, Mr. Speaker, that we value the contribution of guest workers and foreign workers in this country. We know that since 1609 people have come here to work. Some came voluntarily, some did not. But since 1609 we had people coming here to work, to contribute to the economy. Our economy depends on it. We need people to come here to work in all categories.

What is problematic is when you have employers who either contrive to ensure that Bermudians do not get fair opportunity, or they simply want to ensure that they can get the lowest cost labour, as my honourable colleague spoke about earlier, cheap labour and highly exploitable labour. So, for example, I just this week rejected a work permit application for somebody who wanted to bring in a nanny and pay them \$900 a month. That is not going to happen. It is just not going to happen anymore. Because when you reduce the pay scales and opportunities and conditions for foreign workers, you are providing a lower level for Bermudian workers.

So, we want to have foreign workers, but they need to be treated with dignity and respect. You cannot allow a system that brings in people to have a highly exploitable labour force. We are not going to allow for that. And when I hear comments repeatedly about *the cost of labour, the cost of labour*, then you know that they want to bring in cheaper labour.

I am also concerned about the notion of the expertise. Sometimes that is just code language, Mr. Speaker. It is code language. Let me say categorically you do not need, and you will never get, the best person in the world for any job in Bermuda. Who needs the best person in the world for a job? That is just something you throw out there. When I hear companies and other people say, *We need the best person*. . . No, you need a good, competent person. Out of seven billion people, you are not going to get the best person. But it is code language for saying we do not need or we do not want to hire locals.

When I go around and look at restaurants, I see some restaurants which have an abundance of local employees. I give praise and thanks to those employers. They are doing what they should be doing, giving fair opportunities. But if you cannot find people legitimately, then, of course, you go overseas and you find people. Likewise in the professional arena. But it is all about intent.

My final point, Mr. Speaker, is that the fundamental difference between the Progressive Labour Party and the One Bermuda Alliance is the emphasis on people versus the emphasis on profits. There is the recognition that yes, we all need to take care of people, but a fundamental purpose of Government is to address the needs and concerns of the people in this country. If all we focus on is profits, the people can be completely marginalised. And you will know, Mr. Speaker, that the people of this country came to judgment on that very issue on July 18<sup>th</sup>.

Thank you, Mr. Speaker.

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

I recognise the Deputy Premier.

Deputy Premier, you have the floor.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I, like some of my other colleagues, was not expecting to have to speak only because . . . for a couple of reasons. One, this Bill reflects a level of optimism and hope and purpose for our country. It is a part of the reset that I am not just attributing to Members of the PLP, Mr. Speaker. I am actually attributing to a general understanding that seemingly came about over the last four years as to what we have to do about tourism. This Bill represented that because there are Members on this side—and when I say “this side,” this side that was once the Opposition, that is now the Government—participated with the former Government to bring about this Bill in this way that it is. So that is a part of something positive. This Bill rep-

resents something positive about the process that this House engages in, Mr. Speaker.

But what has been unfortunate, I think, which has required a number of the Members on this side to get on their feet, is some of the poison that we have heard on this floor today around this very Bill from Members of the Opposition that sought to bring about an argument of reflection, which actually was more like castigation of Bermudian labour, Bermudian expectation—all these things. And that is unfortunate, Mr. Speaker, because this Bill is supposed to reflect something very different than that. And it is unfortunate that two of the culprits, I will call them, Mr. Speaker—

**The Speaker:** Let us keep the tone up, please.

**Hon. Walter H. Roban:** —Honourable Members, are not in the Chamber.

**The Speaker:** Let us keep the tone up.

**Hon. Walter H. Roban:** I commend the Minister of Tourism and other Members. And Members on this side have actually tried to give proper attribution for the work on this Bill from Members of the other side because there is a genuine belief that this Bill is something positive that this House can be proud of, that Bermuda can be proud of. But we have had poison inserted into the debate with rehashing of—

*[Inaudible interjections]*

**Hon. Walter H. Roban:** —old facts and failed talking points from Members of the Opposition about the past of labour, the past of tourism, right?

*[Inaudible interjections]*

**Hon. Walter H. Roban:** Oh, perhaps amnesia from some of the somewhat older Members of the Opposition who do not quite remember history the way it should be remembered. And perhaps July 18<sup>th</sup> has hit them so hard that their memories . . . that they are suffering memory loss, Mr. Speaker.

But, you know—

*[Inaudible interjections]*

**The Speaker:** Mr. Moniz, Mr. Moniz.

**Hon. Walter H. Roban:** I really did not want to have to get up because I thought this was almost like the low-hanging fruit of political optimism this Bill represented, that the Honourable Minister who sits here to my left was bringing the Bill that everybody in this House would feel good about and we would hear complimentary messages from both sides of the House as to what is being accomplished here.

There is no divergence of purpose here. This Bill was brought to bring about a reconfiguration of investment in Bermuda that will ultimately serve the Bermudian people [and] that will help the Bermudian people achieve. That is why the levels of employment are being pursued, that is why the different varieties of investment are being pursued, to not only encourage foreign investment but internal investment, those Bermudians who have an aspiration to get into tourism, back in, this Bill is giving them a window, a door.

But no, we are hearing this rehash of the past to somehow indict, to focus criticism about the former PLP Government or other trade unions, those who have stepped up to ensure that workers had a fair shake in what the economy was producing.

All it does is tarnish the optimism this Bill truly does represent, Mr. Speaker. And that is sad. And as I have said before in this House, the Opposition has a choice on what they are going to represent in what we are trying to do in this Chamber going forward. They can represent the past upon which they sadly want to come here and misrepresent. They can represent their own failure, which their numbers represent. Or they can represent something different about going forward when peaceful legislation like this—the Tourism Investment Act 2017—comes here to this House, which is actually the product of cooperation in this House. And they can stand in the spirit of that cooperation and see Bills like this go forward. And the Government has proposed other opportunities for cooperation that we hope the Opposition takes up, but we shall see.

But just to remain on this Bill, Mr. Speaker, this Bill, the Tourism Investment Act [2017] represents an opportunity to reset the dial for this country, to bring about a new environment that promotes investment, that promotes Bermuda being an open place for optimism in tourism, an industry that we in many ways taught many parts of the world how to do, and which we are now trying to reconfigure our own approach so that we represent what the future of this industry will look like in the way that we pioneered many decades ago. This Bill is a part of that process.

There are many other things that will be included in that process—the National Tourism Plan and following through with that—and other efforts by the Minister of Tourism, the BTA, and others to promote people coming in and seeing Bermuda as an area of opportunity.

I myself, as the Minister responsible for Regulatory Affairs, have to deal with the question of energy and the cost of energy, which itself is crippling the atmosphere of investment for this country, which not only affects investors but affects every living person who is trying to have a living wage and survive in this country. That is another piece too, and getting our citizens back [to] seeing tourism as an industry of opportunity. That is what is crucial to this.

So castigating the workers of this country does not help that. Or criticising those who championed the worker movement to assure they had a fair shake does not help that. Because those who are investing will, perhaps, look at this debate and see that poison, Mr. Speaker, and say, *Well, are they really serious about what can be achieved? Or is it just going to be a political football?*

**Hon. Trevor G. Moniz:** Mr. Speaker, I can only listen to so much of this—point of order.

**The Speaker:** Your point of order?

#### POINT OF ORDER

*[Misleading]*

**Hon. Trevor G. Moniz:** He is misleading the House. I presume he is talking about me when he speaks of poison. All I said was that Bermuda has a very high cost of labour, that Bermuda is a very high-cost jurisdiction, and recently was found to be the highest cost in the world. There is no poison involved with that. It is merely the stating of a fact. So, you know, he is actually repeating things that I said. In talking about the high cost of electricity, I said—

**The Speaker:** Thank you.

**Hon. Trevor G. Moniz:** We have a high cost of electricity here—

**The Speaker:** You got your point out.

**Hon. Trevor G. Moniz:** —and he apparently agrees.

**The Speaker:** Thank you.  
Continue on.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I do not recall mentioning anybody's name. I am speaking to the issue. I am speaking to what we are trying to do here today. We are trying to bring a new atmosphere of optimism and opportunity to tourism in Bermuda that will benefit not only our investors, but also those who will benefit from the investment, not only foreign investors, but internal investors, not only foreign workers, but local workers.

That is what we are looking to do here today, but that does not happen with some of the comments I have heard, particularly from those—

*[Inaudible interjection]*

**Hon. Walter H. Roban:** All the work that was done by the technical people, all the consultation that went into this Bill, that is what we should be celebrating. Not rehashing misstated facts of the past.

So, Mr. Speaker, I stand today here because I am not going to stand on my feet any longer. Many of my colleagues have said the right facts and the right points about this Bill. We see this Bill as a tool of optimism for Bermuda for her future and we are going to follow through with that. The Opposition has a choice to follow through with us or to go in another direction, which seems to be to the dustbin of history.

And so I congratulate the Minister. I congratulate the team which worked on this Bill from its very inception right up to this very day so that the Progressive Labour Party Government has, with pride, brought this Bill to this House so that it can be passed so that the new day of optimism of Bermuda tourism can finally be brought about for all of us to benefit.

Thank you very much, Mr. Speaker.

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

I recognise the Honourable Leader of the Opposition. Honourable Madam Opposition Leader, you have the floor.

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

Mr. Speaker, my colleague at the very outset indicated that we were supportive of the Tourism Investment Act [2017] as it was coming before this Honourable House. We recognise not just the genesis of this Act, but the purpose for which it is being advanced. We are supportive.

The Honourable Member who just took his seat made great points in terms of not wanting to hear anything negative because the Bill was intended to be positive. It was intended to allow Bermuda to be competitive in an environment that assists in bringing investment that had been difficult to come by historically. But we heard some of the historic challenges that existed. And I think that it is wonderful, on the one hand, to say, *Let us look at only the positive that is enshrined in this legislation and to carry it forward*, and we do.

But we cannot neglect the fact that there were birthing pains to get to where we are. And I believe that in recognising that, when we hear the Member say, *You all ought not to say anything*, we sat this morning through four foolscap pages of a Ministerial Statement that did nothing but castigate the prior administration.

And so that was convenient, at that point, for them to say. And now, because the facts are intending to be put out in a very cogent way, not being necessarily denigrating, but just to say this is the way things happened, and then for some reason that is being called foul. Well we cannot have it both ways. I am perfectly satisfied—

**Hon. Jamahl S. Simmons:** Point of order, Mr. Speaker.

**The Speaker:** Hold on, Minister . . . I will take your point of order.

Take your seat.

### POINT OF ORDER

*[Misleading]*

**Hon. Jamahl S. Simmons:** The Honourable Member is misleading the House. What was considered foul was not the, what she would call, “cogent” and denigrating. It was the referring of a black man by the Honourable Member Trevor Moniz as “a boy.” That is what we find—

**The Speaker:** Thank you.  
Opposition Leader?

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

Mr. Speaker, it is . . . the Honourable Member, if that was his point of order, then I certainly misunderstood what I heard coming from the Deputy Premier. But with that said, let me say that we support this Bill. What the Honourable Member just interjected was not what I heard. It was not what I heard in terms of where the negativity was coming from on that side. It did not speak to “a boy” it spoke to labour, it spoke to vilifying immigration policies, it spoke to exploiting workers, none of which we support . . . none of which we support.

The Honourable Member did make a comment that the cost of labour in Bermuda is high. The cost of labour *is* high; that is a reality. It is high as against some other jurisdictions, and jurisdictions for which investors have the choice to determine whether they are going to bring their investment to Bermuda or whether they are going to invest their money elsewhere which may—and I will not say “will,” which *may*—give them a larger return on their investment. So we as a country have to determine how best we can embrace our situation so that an investor coming in, as will happen under this Tourism Investment Act [2017], to be able to give them additional benefits to get their businesses going.

The ultimate aim, as the Honourable Member, the Immigration Minister, indicated, is that we want to see our people working. And in the absence of effective industry that assists in that regard that will not happen. So I want to not just make sure that our people are working, Mr. Speaker, but that our people are working in an environment in which an investor does not feel as though he is being hard done by.

We do not want people coming, determining whether they should or should not, which we saw quite a lot of it, not just through the former PLP administration, but through part of the OBA administration, when people came to the table and determined that they would bring “X” investment and then, for various reasons, those investments fell away. Because what

we were able to offer in terms of helping them to seek a better return on their investment was not sufficiently attractive to them. And for varying reasons some of those deals fell away.

So, this Investment Act now is attempting to put Bermuda on an even keel for us to be able to rank *pari passu* with other jurisdictions in which investors are likely to put their money. And that is the aim. To that we are supportive.

You will have heard, Mr. Speaker, earlier that we have . . . you know, this was something that has been in the works a fair while, and now it has come to fruition. We look forward to being able to not just debate the clauses of the Bill, but to seeing this Bill enacted so that when it passes through another place that we now put ourselves and rank ourselves as a country on the forefront of the tourism industry.

There are additional opportunities that Bermudians have. And I have to say, if I can declare an interest, I know that there are people in this Honourable House, including me, who have been able to take advantage of the new opportunities that have come with the likes of the Airbnb renaissance which has happened in Bermuda with our tourism industry. And I think that this is a good thing because we are now mirroring some of the things that happened way back in the 1960s and 1970s in terms of how tourism was able to positively impact the economy and how average people, such as myself, were able to get . . . have a few extra pennies coming in the door so that we did not have to go and stand in a bread line, Mr. Deputy Speaker.

*[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]*

**Hon. Patricia J. Gordon-Pamplin:** So, I would just like to say that we recognise that this is a Bill that is important. We recognise for the benefit of the country that it is necessary to push it forward. And we recognise where we stand in the development of our tourism industry that will assist us by the passing of this Bill to be able to encourage the environment in which people are willing, able, and excited about investing in Bermuda.

Very few people, Mr. [Deputy] Speaker . . . I have had more exposure to visitors over the course of the last three or four months, certainly since America's Cup, than I probably have had on a direct basis prior in a long time. But very few people with whom I speak criticise anything about Bermuda. And as recently as two days ago, Mr. [Deputy] Speaker, I was walking down Front Street. There was a couple coming in the opposite direction . . . probably three days ago because they were heading back towards the cruise ship that was docked at Hamilton. And the gentleman said to his wife, *This is such a nice country and the people are so nice*. So, Mr. [Deputy] Speaker, this is the repu-

tation. This is what we want to capture. This is what we want to enhance and we want to encourage.

And in order to be able to encourage that, Mr. [Deputy] Speaker, we need to have this Bill passed that has been, as I said, painstaking. It has taken a long time to get it right. Because we know that we are operating in an environment where people have choices. And in those choices we want to be able to have that added extra where we can come and say, *Please bring your money to Bermuda*. And, *We are going to show you that we will embrace you, we will embrace your investments, because if you take your investment elsewhere it does not bode well for us because our primary objective is putting our people to work*. That is all we want to do, Mr. [Deputy] Speaker.

We want those investors to be able to have a reasonable return on their investment, but we want to put our people to work first and foremost. And we also want to recognise that to the extent that we do not have sufficient labour in the labour force to be able to fill the jobs that are required as a result of enhanced investment that we also provide a welcoming and a fair environment for people who may need to come to the country.

I take your point, Mr. [Deputy] Speaker. You will know that I have come from a labour background. And in that labour background the one thing that was drilled down on me before anything else was that you treat people fairly. That is all I know and that is all I will ever encourage. So as we look at this Bill and look to have it enacted as we go through the various clauses, know that this Bill has the full support of this side, notwithstanding that, you know, some of our Members, Mr. [Deputy] Speaker, have a manner of articulating situations a little bit differently and people get very touchy.

And whether justifiable or not, people have very thin skin. What people have to understand is that sometimes they throw out barbs and they can be painful, but we tolerate it. We tolerate it, Mr. [Deputy] Speaker. So all I am saying is that—

*[Inaudible interjection]*

**Hon. Patricia J. Gordon-Pamplin:** I do not make any excuses for anybody. I am saying . . . I do not make any excuses for anybody.

I am saying that when comments, when barbs are thrown at me, Mr. [Deputy] Speaker, I have to take it. So let us not be so thin-skinned that every word that everybody says somehow creates this great big, you know, offence that people will take when we sat through two hours this morning between Ministerial Statements and questions and criticism, and we took it. So let us not sit and be holier-than-thou and try to be righteous. Let us work on the Bill that we have before us. Let us see what we can do to collaboratively have this Bill passed through Committee for the better good of the people of Bermuda.

Thank you, Mr. [Deputy] Speaker.

**The Deputy Speaker:** Thank you, Opposition Leader. Any further speakers? We recognise the Honourable Rolfe Commissiong.

**Mr. Rolfe Commissiong:** Thank you, Mr. [Deputy] Speaker.

Well, it has been a fairly interesting debate thus far. It has gotten somewhat heated. I just will echo the condemnations by some on this side who took issue with the former Attorney General characterising, by way of interpolation, one of our Members as “a boy.” I think the history was articulated by the Deputy Leader of the Government, and I do not think there is any need to go any further, except to say that I found the comment extremely patronising and condescending at best. And so I would expect a veteran such as him to lead by example in that regard.

Mr. [Deputy] Speaker, tourism remains an industry that poses a serious dilemma for Bermuda. I am one who is of the view that for us to really begin to change the direction of not only tourism but so many other issues that continue to challenge and bedevil us, we have got to start having the right kinds of conversation. I just heard the new Member here for constituency 14 make a comment about the Mincy study. And I am only going to invoke it here because I think it is very relevant to this conversation.

In the 1980s the Mincy study articulated that there was a change to the industrial composition of Bermuda’s economy. And that change saw the decline—structural decline now—going over close to four decades of tourism and the rise of international business. And while correlation is not causation, we know that, if you look at the two in tandem, while one has continued despite some ebbs over that period, one has continued to decline (notwithstanding what some of the Members on the other side have said about its results over the last two or three years) while the other industry has been like on steroids, that being the international business sector, continued and continues to grow.

Like I said, correlation does not mean causation. But there are a number of studies that say that when an economy begins to move in the direction of financial services it does have, over time, or can produce a deleterious effect on all other economic sectors in that economy. The analogy they draw is that of the resource curse. Those countries who only have one economic pillar, such as oil or diamonds, and the negative impacts of that over-reliance on this one pillar and the effect it has on those countries is profound over time. Well, they have got a new term now. They call it the “finance curse.”

Now, do not get me wrong. I am not saying that international business is something that we do not need. Obviously, we do, half the time up here now we

are legislating to ensure that it remains one of our pillars. But I think we would be remiss in not, I think, realising that the relationship between international business and financial services and our hotel sector has not always been a symbiotic one.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Deputy Speaker:** Honourable Member, can you just pause a second?

I just want to recognise the former Speaker of the House, the Honourable Kenneth Howard Randolph Horton, who is in the Gallery.

*[Desk thumping]*

**The Deputy Speaker:** Carry on, Honourable Member.

*[The Tourism Investment Act 2017, second reading debate, continuing]*

**Mr. Rolfe Commissiong:** So, Mr. [Deputy] Speaker, the growth of international business has certainly led to a massive growth in income inequality in Bermuda, a rise (some would say ruinous) in the cost of living. And along with that has produced significant and sustained levels of inflation.

Let us go back to a time that Professor Mincy and his team highlighted in the 1980s, again, chronicling the beginning of the structural decline of tourism and the meteoric rise of international business.

Mr. Robert Stubbs only recently highlighted that the two most massive periods of inflation in our country were, one, during that same period in the 1980s, and two, latterly in the 2000s.

The 1980s represents a time when international business begins to really take off here. I remember as a young man or a teenager hearing about this exotic business activity surrounding the growth of this business; terms such as “captive insurance,” and “catastrophe insurance” during the 1980s. That was round one of a massive inflation that rippled through the society.

And so the second round of it occurred in the 2000s. Well, what occurred in the 2000s? What occurred in the 2000s was 9/11, followed by Hurricane Katrina, which saw a massive increase in the level of financial services and Bermuda’s role as a major financial service provider around the industry of reinsurance and other forms of insurance—catastrophe insurance. It produced the sort of inflation that made it more difficult in this case in both periods for an industry like tourism to remain competitive.

So this, to me, is the dilemma that we are still facing. You heard both Governments over the last ten years—or longer than that—keep talking about the need to diversify the economy. Is this the headwind



that makes that more difficult? I am not downing international business. I understand its critical role within Bermuda and how it supports so much of what takes place here. I am just saying let us not be blind cheerleaders and let us look at this in a more sober way. Because I believe that if we can do so then I think we can begin to take off the rose-coloured glasses in a way that will allow us to reengineer Bermuda in a way that can accrue to the benefit of Bermudians.

So, in the 1980s tourism begins its decline. And I heard a Member talking about the high cost of doing business in Bermuda, but he kept alluding to the fact that it had to do solely with the high cost of labour. But today I do not think anyone can say with a straight face that hotel workers—

**Hon. Trevor G. Moniz:** Point of order, Mr. Deputy Speaker.

**The Deputy Speaker:** Yes, what is your point of order?

#### POINT OF ORDER

**Hon. Trevor G. Moniz:** No one on this side said that it was solely due to the high cost of labour. In fact, Members on both sides have referred to the high cost of labour and the high cost of electrical power—those are just two of the high costs in Bermuda.

**The Deputy Speaker:** Carry on.

**Mr. Rolfe Commissiong:** Fair enough. I will say this, though. If one looks at the salaries that all of the major hotels and the satellite industry around the restaurants are paying, I do not think anyone could claim that these people are being highly paid by any stretch of a measure. I do not think so.

**Hon. Trevor G. Moniz:** Point—

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

*[Misleading]*

**Hon. Trevor G. Moniz:** I think the Member is inadvertently misleading the House. It is not a comparison with other salaries within this community; it is a comparison with our competitive jurisdictions like the Dominican Republic or like Costa Rica. You have to compare salaries here in the industry with salaries over there. Those are the comparisons.

**Mr. Rolfe Commissiong:** But yet these people actually live in Bermuda. And if we are going to continue to have an industry that reaches a point where they are going to pay essentially by Bermuda standards poverty level wages, then we need to have a rethink.

The other day (without going down the road of reflection) I talked about how when Bermuda stops working for Bermudians then we have a real problem. What is the point? And I think we may be almost at that point right now because if Bermuda is not going to work, as I said before (at the risk of reflection, going down the road of talking about), if Bermuda is not going to work for the waiter and the bartender and the housekeeper and the truck driver . . . I think I have made my point in that regard.

So we saw those periods in the 1980s and in the 2000s. I think that the high cost of doing business in Bermuda . . . I will concede the point about the cost of energy. We need to find a way to substantively reduce it. I will not concede the point about the cost of labour, notwithstanding the comparative that the former Minister just articulated. But I will say this, that so much of the cost of doing business in Bermuda is also predicated by the fact that we have an industry rooted in financial services which itself has been, historically, a generator of a high cost of living in Bermuda. We cannot get away from that.

So this is the ongoing dilemma we face in not only trying to revive tourism, but also trying to create an environment where we can begin to diversify this economy along other lines, because they face the same hurdle in terms of the cost of living . . . rather the cost of doing business in Bermuda.

Getting back to the particulars of the Minister, and I want to commend him here. He has hit the ground running and he is doing his best here to try to begin that process of reengineering not only how we do business in Bermuda, but essentially and more broadly reengineering what we are here in terms of what we have to offer the world. I will say that I am happy about the fact that he has intended by way of this Bill to ensure that, what I call the significant moral hazard by way of the concessions to a number of these properties is not going to go on *ad infinitum*. I think I will applaud that.

The efforts to talk about the Bermudianisation piece on this is, again, something that we are always talking about. We need to make it work because that is one of the ways we are going to ensure that our young Bermudians—non-college educated Bermudians—are going to be able to work in their own country. Along with that, as Members have mentioned, initiatives such as the living wage and other efforts on the part of this Government to reduce the cost of living, I think, are also going to help in that regard.

And let us not forget the hundreds, perhaps thousands, of Bermudians living in the UK and some other places. I am not talking about those with a college education who, perhaps, are working out there. I am talking about many of them who only left Bermuda over the last five, six, or seven years because they essentially could no longer afford to live here. We need to ensure that we can create the conditions and the incentives to bring a lot of them back so that they

can play a part in revitalising the Bermuda we love so much. Thank you, Mr. [Deputy] Speaker.

**The Deputy Speaker:** Thank you, Honourable Member Mr. Commissiong.

Any further speakers?

Minister—oh, I am sorry, the Honourable Member—

**Hon. Michael J. Scott:** Mr. Deputy Speaker—

**The Deputy Speaker:** Yes, let me recognise you first. The Member from constituency 36, Brother Mike Scott.

**Hon. Michael J. Scott:** Thank you, Mr. Deputy Speaker, good afternoon.

Mr. Deputy Speaker, I know that certainly the technical officers and anyone else listening to the debate this afternoon did not contemplate that the Tourism Investment Act [2017] was meant to be the foil under which we solved all the social, economic, and historical issues in our Island. It has a specific focus and it would be useful, it will always be useful, as the role of us as legislators should be, for us to expand upon, breathe life into, give new ideas to the technical officers listening, and to the Minister who is to be commended for bringing this to our presence.

The Investment Act Bill really still has not gotten it right in many respects, and I abhor the fact that we should seek to take the House and the debate in the House down some rabbit holes, as everybody on the Opposition side, surprisingly, the Shadow Attorney General and the former Economic Development Minister, have taken us down. I mean, that is not helpful.

Let us try and understand how we can improve and enhance the developers of hotels in our country, the developers of restaurants in our country. The Bill, just like the Hotels Concession Bill, sought to do it by just pure figures of concessions and incentives. But really, and we have heard it today in this debate from Members of the Progressive Labour Party Government, with the singular and repeated focus, Mr. Deputy Speaker, upon making and enhancing the experience and the product in this country of hospitality by the focus on the human resource side, the people who work in it and deliver the product. And this is where the ground zero is happening on this side of the House.

And it is neither surprising nor is it illogical. As a matter of fact, it is entirely logical. We have all lived in this country long enough, including the Members of the OBA, to know that these kinds of debates about hospitality are about the product and those producing the product. And then we go into restaurants and hotels as we go about our daily lives regularly throughout the year and we experience the good, the bad, or the ugly of the current set up. And I have heard even you, Mr. Deputy Speaker, with your long experience in

labour, you have lamented often about either the language barriers, the absence of Bermudians in too large numbers across these fronts.

I know, as everybody else knows, that the person standing and delivering the plate of food or the glass of wine, or working, sorting out your living accommodations in hotels, it all makes a difference if your experience is one that is diverse from New York where you come from, it is ethnically or culturally pleasant because it creates a memorable experience and you come back.

The Bermuda situation, as we all recognise, has to be one where we have a mixed economy. So these references to Dominica or Costa Rica or lower cost jurisdictions are not helpful. We know that we have built Bermuda based on a mixed economy where our cost of living is higher than those destinations.

And I abhor the comparisons also with these large metropolitan areas like New York and London. These comparisons are entirely inept, inappropriate, for Bermuda. We have set out in a Caribbean-like environment to deliver a Caribbean-like experience, both architecturally . . . we should be focused on that. How are we going to ensure that the leisure dollars in modern 21<sup>st</sup> century spenders of these leisure dollars spend more and come and choose this destination in which to spend it? What are we going to be doing in terms of both the architecture of our properties?

And Mr. [Deputy] Speaker, may I say, again, the comparison with large metropolitan destinations is inept. We have a fixed and scarce space. We know where the geographic territory of hospitality houses is. We know where the large ones are. We know where the cottages and cottage industries are and we have seen recently developing, Mr. [Deputy] Speaker, the Airbnb. But it is not endless. We do not have endless space.

That which we have we should be working to ensure that it is optimum in its offering and we can afford to do it from a human resources position of Bermudians, first and mostly Bermudians. I mean, we have been generous or conservative, I think it is proper to say that the 70 per cent mandate that we placed in this item has been generous. And I think it is not unrealistic because this is not a territory of two million people, it is a tiny territory.

And it has always been said, ever since I have heard Members of the Progressive Labour Party talking about tourism. We are small enough to ensure successes across these important criteria of full Bermudianisation. But we just do not work towards it. And if you listened to the two speeches that came from the Opposition benches, it is revealing, Mr. [Deputy] Speaker, as to what goes on at their tables. These tedious references to the bottom line and making sure that on the backs of labour is where we make this country's investment attractive. And it should not be

happening. It should not be happening at lowering the cost of labour as the incentive to inward investment.

It is wrong. It produces the very thing that we see happening in our country—the flight of Bermudian labour to everywhere in the world except to Devonshire and Pembroke or St. David's. That is precisely what it generates and the influx of persons clicking mice from across the world looking for employment coming into our country. It is a complete dysfunction of the makeup of our hotel investment product.

Back to the mix. So, if governors of this country—and I mean the policymakers—have wisely made sure that we set off on courses where the economic mix is diverse, we have lost the thread and we have lost our way on so many instances across the years. But we have to recognise that because our planning ensures that our houses are built strong, we do not experience the deleterious effects that we see in jurisdictions where housing and planning are weak, and catastrophes of weather result in such damage to the hotel industry or the hospitality industry they have to rebuild. So, we have that important reality and it has been a good one that has served us well. We have the fact that our close proximity to a trading partner that is happy to be here to engage in wealth management and financial services is something that we have exploited. And what the PLP has always been on about and beating the drum about is further diversification so that the mix is even broader.

But back to the Bill, where we are seeking to ensure that this high employer, the hospitality industry, works best. We want to ensure for the modern leisure seeker and leisure spender of dollars that their rooms, the bar area, the lounges, the booking-in area, are all functions that have new methods connected with them; either the artificial intelligence or information technology elements relevant to the modern leisure seeker in the room, in the lounge area. And that kind of technology mix delivered by Bermudians is entirely possible across the . . . how many hotels will we have here ultimately in this country? I mean the Fairmonts that are here—two are here. The development in St. George's, the development at the Loren, and you know, Mr. [Deputy] Speaker, there is a fixed number, and we can afford to set them up so that they reflect what we have been calling for—high, culturally Bermudianised delivery of a product that leaves an impression and a memory that causes the visitor to come back.

We do need to think about those three questions that were posed by the organisation that came and made its assessment. But I abhor the responses that the OBA policymakers of just a few years ago gave to those analyses, those metrics that were identified. The CBA (the collective bargaining agreement) is unfair, or price prohibitive. Immigration laws . . . I mean, did they not challenge some of these notions by these people? Did they not make the point that these things can be thought about in a different way?

Or did they just buy them lock, stock, and barrel and say, *We're going to be responsive entirely?*

And this is where we must be careful on this side as Government. We must not be completely openhanded and say, *Yeah, we are going to achieve these things*, because it does result in . . . we will not have an immigration issue or challenges if we have more Bermudian employees who are trained, motivated, rushing into hospitality and being properly positioned so that they have motivation to move through the industry and move upward in the industry and entice their children and grandchildren because they are experiencing real value-added experiences as employees, managers in this industry.

But we do not have, Mr. [Deputy] Speaker. It is way past time that we broke this particular nut. I mean, we have been doing it for years and it is lamentable that we have not got it right yet. And it is because we keep following these ridiculous narratives from outsiders telling us that this is what we need, who are following metropolitan concepts out of New York and everywhere that is neither relevant to what visitors are looking for in this country—which is a Caribbean-like experience in the look, in the personnel, in the smell, in the foods—and we should have had it right a long time ago. It is maddening that we still debate this.

The Hotels Concession Act was not a Bill that solved and broke all of those nuts. This Bill has not gone as far as it needs to either. It continues to have this focus on the investment incentives that are going to respond and be responsive to bring your costs down. But there are more dynamic, imaginative and innovative ways to do that and to manage the demands of salaries from Bermudians on that very front.

So, the technical officers are looking for information and ideas during the course of this debate, Mr. [Deputy] Speaker. I heard one of the Members of the OBA, the former Minister of Economic Development, say that the industry just a few years ago, and less than that, was in crisis based on that analysis. And then Mr. Moniz, the former Minister of Justice, said that we are through the woods. And it cannot be both things.

I mean, it is indicative of the problem that we really are facing with this topic and subject. All of that to say that the need recognised by and adopted by Minister Simmons in bringing this Bill is to be applauded. But it is our obligation and responsibility to infuse it with as much content that will improve it going forward. So much has to do in this sized jurisdiction, with the number of hotels that we have and cottages that we have, and now Airbnb, it is possible to make the experience memorable and it is achieved through the human touch. It is going to be enhanced by futuristic technology support in all of the places where human beings enter into Bermuda and then inhabit its properties. And these should be the subject of new

hotel tourism investment acts and amendments there-to.

The real focus upon how we enhance the experience of the visitor who comes here from price point, from experience point, from deployment of technologies that are bound to start impacting . . . I beg your pardon, Mr. Deputy Speaker, they already are. And we should be having discussions and thinking, and have think tanks around how we can take the lead in using intelligence, artificial technology and otherwise, to make this place a story maker and a place that is talked about by the industry's clients so that more come.

And we all recognise, and it is a blessing really, we have a capacity that we can only deal with . . . we are not going to be able to accommodate more than a kept level of tourists in this country. And so, again, the opportunity, because of our scale, is and remains one where we can get a better product and be a better provider of services provided by Bermudians.

And so less talk about labour agreements that are outdated and going down these rabbit holes; more focus upon how the hospitality product can be enhanced and how investment can be enhanced and how this platform can be under the greater control, management, of Bermudian people and Bermudian know-how, Mr. [Deputy] Speaker. And I think that would be a useful investment into how we improve the hospitality experience in Bermuda.

Mr. [Deputy] Speaker, I think with those observations I endorse the [Bill] and celebrate with the Minister on the bringing of this opportunity for us to assist him to continue to ensure that we enhance investment in tourism in our country, but, more importantly, that we continue to invest in our people who are going to be the deliverers of the experience of those kinds that we hope to attract to our shores on aircraft. Thank you, Mr. [Deputy] Speaker.

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

Any further speakers?

We recognise the Shadow Finance Minister, Mrs. Atherden. Carry on, Mrs. Atherden.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, I want to say at the outset that I am very pleased that this Tourism Investment Act has been put forward because, as has been indicated earlier, this is something that results in collaboration and it is moving forward and Bermuda wants to see it happen. And the only reason I am coming back is because it seemed as if something was lost as it relates to the persons on this side supporting or not supporting it.

We believe as a party that this is important and, therefore, it is important that I reiterate that we

know how it has evolved and we understand all the benefits that we have here. But I do believe that if I do not turn around and remind ourselves about one or two points that were made, we might forget that there were some constructive observations made; constructive because I am mindful of the fact that there is a tendency to believe that every time an observation is made that it is destructive.

And I just want to say that for me, personally, I was really pleased that there were some things that were put in this Bill that, if you will, make sure that we are putting Bermudians first. I was pleased, if you look on page 4 when it is talking about the exemption from the landholding tax, that it started after six years and that it made sure that whoever is getting it is in and has created the ability to have something on site and not at the beginning. Because in the past there was a tendency to give these concessions right at the beginning and the person was getting the concessions before we got the benefit of them being here and the benefit of the revenues or the employment. So, to me, having it come around and after six years means that you know that they are here, that they are employing people, and that they are meaning business.

Also, I was pleased to see that there was talk that the hotel would have to verify to the Minister in writing that in years 6 through 10, that 70 per cent of the hotel staff are Bermudian. But I say that even though I like that and I think that is a good idea, I just want to say two things to us as Bermudians and as people in this place here. In order to have 70 per cent of the people being Bermudians we have to make sure that we are going out and having enough Bermudian people—period.

You already know if you look at this that right now we have guest workers, which means that there is a range of opportunities for our workers to be out there and decide which industry they want to be involved in. There is going to be a competition for their work, a competition for their labour, so it is going to be very important for us to turn around and make sure that we do something to get them trained, to make sure that they are attractive, that the conditions are attractive, and make sure that they grow.

And I mean I want Bermudians wherever I can. But I also, because earlier when we were talking about health, we were talking about workforce development, we know that there are shortages in lots of areas and everybody is going to make up their mind as to which area they want to go into. And so it is going to be important for us to make this attractive to Bermudians so that the employers also make it attractive.

And I mean I used to be very pleased when I used to see some of the employers turn around and you would see them indicating that persons that come, they were on staff and they were being sent on internships in other places to other properties because it meant that they were committing themselves to the

employment and the ability for those persons to grow within their organisation. That is the type of thing that we want from people who come to Bermuda. When people come here, especially if they are part of large chains, et cetera, we want them to make sure that the workers get the training, that the workers could leave here and go anywhere else. And when I read articles in the paper about people who are going off to ABC and XYZ, whether they are front desk or whether they are middle management or some other area, I am saying that is the type of entrepreneur we want in Bermuda. We want the person that is going to work with us to grow the product. Because you are right, people do come to Bermuda and people do want to see Bermudians dealing with them. And I want to say Bermudians “helping” them, I do not want to say “serving” them, because people tend to think that serving is something negative. They want to see Bermudians helping them.

But you also know that I look around and I say to myself, on the one hand you have to train people, on the other hand you do not have enough people because we know the birth rate is going down. And I am not advocating everybody rushing out and trying to change that trend. All I am saying is that we have to understand that these are some of the things that we have to deal with, Mr. Deputy Speaker.

If I look around and I say to myself . . . if I go and there is a guest worker serving me—and we talk about people that sometimes have some language barriers, we talk about somebody who is not Bermudian—we have . . . we keep trying to do things to make sure that Bermudians are first. We want Bermudians to be first. And so I say to myself, *Well, how does this happen?* We put immigration laws in, we have things that say that people have to have English tests and all sorts of other things. So I am saying that we have to recognise that we have to continue doing all things that are important to make tourism, once again, rise to be the industry that was a pillar in our economy.

We believe in this. I believe that across the aisle, from the very beginning, everybody wants this to happen. We want Bermudians to be first. We want people who are unemployed to be employed. We want people who want to change industries to be able to change industries. We want it to be attractive. So let us not let anybody be misunderstood in terms of “over here.” We want this to work, all right?

So I just want to be sure as we go forward, there has been talk about Bermudians and non-Bermudians and the workforce. And I just want to say that as long as we recognise that there are some things that we have to work on, we will be able to make this work collectively.

But there is one observation that I would like to make. I would like to think that we will continue to keep having conversations with developers. The reason being that any of the changes that we make right now, other people are making changes elsewhere,

because they are still trying to get developers to come to them. They are still trying to make a better mouse trap. So we have to make sure that we keep having the conversations to make sure we got it right. And if we do not have it right we have to be flexible and nimble enough to start making changes.

So this is not the end of the Tourism Investment Act. I expect that it should evolve. I expect that things would be changed. And if we have people, whether it be in the Tourism Authority, or whether it be the other new . . . I know that you as a Government have made a suggestion of another, I think it is an Economic Development Group, whatever you are coming up with, we have to make sure that we keep looking at this. It is not good enough to come up with something. We have to measure the outputs to make sure that what we ask for we achieve.

There is a tendency, and we all have this tendency, to start off to do something and say, *Oh, we have done this*, but we do not look to see, *Did we achieve what we wanted?* Because doing something . . . and if you do not achieve what you want, then it means that you have not got it right. And we do not want to drop the ball. This is very important to us. So I would like to think that as we go forward, whichever groups are responsible for liaising with developers, liaising with the people that are on the Island or off the Island, that we make sure that we keep looking at whether we tweaked it and whether what we hope to achieve here is actually achieved.

And so, Mr. Deputy Speaker, I just want to say that I hope to think that we have . . . you know, we started off understanding, focusing on this Bill going forward. And I would like to think that we could bring ourselves back now to saying that this is a good Bill, that we have some things to work on, and that all of Bermuda wants to see us get this going and all of Bermuda wants to see us make it happen.

So with that, Mr. Deputy Speaker, I will take my seat.

**The Deputy Speaker:** Thank you, Honourable Member from constituency 19, Mrs. Atherden.

Any further speakers?

We recognise the Honourable Scott Simmons from constituency 32.

**Mr. Scott Simmons:** Good afternoon.

**The Deputy Speaker:** Good afternoon.

**Mr. Scott Simmons:** Good afternoon, Mr. Deputy Speaker.

Mr. Deputy Speaker, first and foremost allow me to take the opportunity to congratulate the Minister on a fine Bill coming into this Honourable House today.

*[Desk thumping]*

**Mr. Scott Simmons:** And I also want to commend him and his colleagues on the front bench for, as you know, Mr. Deputy Speaker, and as others may not know, the Ministers take great care in making sure that all of us within our caucus, especially us as backbenchers and new Members of the House . . . by making us aware so that we are able to share that information with our constituents. So I want to thank the Minister and I want to thank the front bench for the time they take to make sure that we are aware of the Bills that come here.

Mr. [Deputy] Speaker, I wish as a furtherance to my honourable colleague to my immediate right on the opposite benches who made it clear tonight and she stated that it started out right but it began to wane as the debate went on, I want to be clear here tonight, Mr. Deputy Speaker, that we have a responsibility in this House to advance the people's business.

And when we see and when we hear during the course of our debates when those opposite fail in memory, when those opposite begin to rewrite history and begin to create a mood and a tone and a tenor that is inconsistent with history and inconsistent with what we have experienced on the doorstep, then we are compelled as Members in this House—as Ministers and Members in this House—to stand and to deal with it at that level. So, I want to also take the opportunity to congratulate and to thank the BTA, those who have worked very hard on this Bill, and to thank them for being a part of what we find to be a very fine and positive piece.

I am not going to speak for very long. I wanted to highlight several things within this particular Bill, but I will stick with two in particular. And the first one deals with where the honourable former Attorney General started us off on a negative vibe. And that was as it relates to international business and also to the workers in Bermuda. International business . . . we have to be very careful, Mr. Deputy Speaker, going forward in that in the past we have created a feeling in our country that when international business or when employers or even when foreign workers come to this country, they come with at first not knowing anything about Bermuda, but they arrive here with preconceived ideas that are planted in them. We saw part of it today. And that is destructive because I do believe that most of those who do come . . . and it goes against the work. It goes against the work of those in the BTA . . . it goes against the work of all of us working together with international business getting here. It undermines what they are trying to do positively bringing them to Bermuda, bringing what they offer, providing jobs and the rest.

So I believe that what we need to do is to discourage . . . and that is what happened this afternoon. [We need to] discourage Honourable Members from setting the tone, because they are listening to this debate, by the way. They have individuals who are following it, and they learn before they even get to Ber-

muda, because it is reported before they even get to Bermuda that it is all right to promote, it is all right to push, the foreigner is all right without even considering the Bermudian. And so we have to discourage that, keep the mind-set on the fact that they must consider those that live in these jurisdictions.

But the interesting point is I think what the Minister and what the honourable former Attorney General did not mean to do, but he did it by inference, in the fact that we create in them this feeling that it is all right to ignore Bermudians, it is okay to move past them. We have to make sure that they are open, that they are considerate of Bermudians in this country so that when they come here they absolutely look out for their best interests.

The second part of the first is also that, as it relates to Bermudians, we should never have a tone in this House that sends the message to Bermudians that we are encouraging international business or that we are going to be encouraging an environment that does not encourage them. They should be first. It is what we ran on, Mr. Deputy Speaker, and we will live up to it and we will encourage them, Bermudians, to apply for the jobs, to be a part of what we are doing.

And I do not believe that it is the mantra. I do not believe it is the mind-set of those who work in the industry, those who produce this kind of Bill that we see today that there would be a discouragement because I see within it. It reads quite clearly, that they wish to move for managers, to maintain managers, and to educate managers within that particular Bill. So I think that we can move forward in a positive way.

The second part. So I want to encourage Bermudians to not listen to this debate and feel that we are not encouraging you. We are making sure as a Government that we are opening our doors and creating opportunities for you. But also opening the minds of those who come to Bermuda, who bring the expertise, who bring the ability to employ, opening them up that Bermudians, if they are not necessarily exactly the person and the people that you want, that you can work with them, they have an open mind, you can train them and that you can encourage them in your companies. And by doing so the quality of life in Bermuda is increased and we move Bermuda forward in a positive way.

On a second front, Mr. [Deputy] Speaker, within this particular Bill it is quite clear that as it relates to encouraging . . . and this is the area where I work, and that is to encourage hotels to invest inwardly, to be able to not just invest in the personnel capital, but to also create an environment and tax breaks that offer opportunities for us to improve and for the hotels to improve their product. That is important and that moves the hotel forward. But it also encourages them because at the moment at the hotel of which I am part of—and I am prepared to disclose working at the Coral Beach and Tennis Club—we are doing extensive renovations, not necessarily from a huge physical

plant point of view, but we are refreshing the property so that it is in keeping with what we feel is the Bermuda product and an enhancement thereof, but making it so that the guests, because we are a private club, come and see a refreshed environment.

Now, that said, I do believe that this is a good encouragement and the Government has pushed for it—we as a Government—and we have made certain that we put these things in place. So that has been very helpful.

I believe that this new concession, this new Bill, is good for us. It is good for Bermuda. And I once again appreciate what the Minister has done, all those who have worked on it. And I know that we will find that as long as we continue in this vein this is a continuance of what we promised, of what we know we can do for Bermuda. So every single session you will see us focusing in on the things that are, more importantly, what our electorate had asked for us to do. And then the housekeeping that we do . . . and I want to, before I take my seat . . . yes, let us give credit where credit is due. The Bill has been ushered through. It is a part of everybody's work in here. But what we did see was the negativity that is around it, which is absolutely a snapshot of just what we are, which is something you speak about all the time, Mr. Deputy Speaker.

So thank you so much for this time and as far as I am concerned I am happy going forward with this Bill. Thank you.

**The Deputy Speaker:** Thank you, Honourable Member Scott Simmons.

Any further speakers?

I recognise the Minister in charge.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Deputy Speaker.

I was raised by an axiom that when you start right, you end right. Today we started right and it ended wrong.

Mr. Deputy Speaker, we, the Shadow Minister and I . . . and let me go back and let me explain a little bit of my approach to tourism so that people can understand why there has been a change in our approach and the approach of how the Government deals with issues of tourism.

When I sat as Shadow Minister in a seat across there, which I think the now Shadow Economic Development Minister (who is no longer here) sits, the one thing that I found intriguing when I used to debate Bills related to international business was that there was a tremendous amount of collaboration, understanding, and an attempt to bridge gaps and create common ground where we could come together with the same understanding and the same knowledge that this is a pillar of our economy that is important for the future of our people, and it must happen. Even if we quibbled on the means to reach the destination, we

knew where we as a people wanted to go. And I said, you know, if I get the chance to sit in this seat, I would do my best to do the same in tourism.

So we initiated, my Shadow Minister and I, that we would meet regularly. She will have access to my technical officers. She will have access to as much knowledge and understanding of where we are trying to go, so that if we can at least agree on the destination, we can quibble about the trip and how we get there. But we will agree on the destination. And I think that is critical.

Mr. [Deputy] Speaker, I think that this Bill is important for all the reasons that many Members have articulated. I thank all the Members for the contributions they have made. But I think that when we look at what we want in tourism, we want to see the project in St. George's become a reality, we want to see Morgan's Point become a reality. But just as important we want to see Bermudians who are capable and qualified having the full opportunity to participate at every level. I find unacceptable a mind-set that says, *Well, you know, in some other places they're not . . . they bring in foreigners too.*

When I am served by a waiter who cannot speak English, you cannot tell me [that] you could not find a Bermudian that could speak English and carry a plate! You cannot tell me that. And this Government will not be making excuses and trying to cover for those who do not want to hire Bermudians. That is it. We will not be entertaining that foolishness.

Mr. [Deputy] Speaker, for years I have heard and we have seen, it may be a little politically passé in some circles to be openly racist. It is, however, not politically passé in this country to be anti-Bermudian. We are the only category that can be denigrated by the actions of a few, as though there is some inherent flaw in all of us.

Mr. [Deputy] Speaker, I know that there are Bermudians who can run hotels, who can do the marketing for hotels, who can operate at every level. And that is why we are committed, as we laid out in our Throne Speech, to reform at the Bermuda Hospitality Institute to make sure that our Bermudian people have all of the resources and all of the support to move up and move in and be in their proper place—in charge, owning. That is what we are here for.

Now, Mr. [Deputy] Speaker, as we seek to go and make Bermuda more appealing to investors, a message that I have had to deliver to the world—Bermuda no longer perceives inward investment as having a certain look or a certain pedigree, because I know that wealth is becoming younger and browner and more open to new experiences than in the past. So you can have a Shaquille O'Neal or a Kobe Bryant alongside a Ross Perot and it is okay. It is okay.

Mr. [Deputy] Speaker—

**The Deputy Speaker:** Minister, speak to me.

**Hon. Jamahl S. Simmons:** Forgive me, forgive me, Mr. Deputy Speaker, I definitely did not mean to disrespect you.

It is said that failure is an orphan and success has many fathers. And while I think we may have to do a little genetic re-sequencing to get some of the DNA out of some of the people who claim fatherhood, I think that we have come together and managed to produce something that will move this country forward. And as we move this country forward and as we send the message to the world that we are attractive and appealing to investment, not just in tourism, not just in hotels, but in every aspect where people want to get involved with our community and contribute to building up and working with Bermudians as partners—not as occupiers, not as tenants, as partners—because that is the way it should be.

And the only way . . . and even with the performance today by certain Members and the sanctioning of it by the non-condemnation by other Members . . . I am still committed to working with the Opposition as much as possible to do what is best for our people when it comes to tourism. I am committed to that because I think it is the right thing to do.

But a message to the Leader of the Opposition: My grandparents had to put up with racism, I do not. I do not. And part of what we have to change to make Bermuda more appealing to investment is to rid ourselves of the mind-set of people who believe that it is acceptable and cute and something you should *just get over* to call a black man “a boy.”

*[Inaudible interjection]*

**An Hon. Member:** Not acceptable.

**Hon. Jamahl S. Simmons:** When we see new money coming into this country, new interest coming to this country, they are not all going to look like me. But some will. They are not all going to look like my honourable colleague, Mr. Deputy Speaker, maybe a little lighter than you too. But we will be a place that is open for business for everyone. But the mind-set of the racist and the white supremacist is not acceptable and we have no tolerance for that. And if no Member of the Opposition will condemn those remarks, then more pity is you. More pity is you.

Mr. Deputy Speaker, I move that the Bill now be committed.

*[Desk thumping]*

**The Deputy Speaker:** Thank you.

The Honourable Member, Mr. Commissiong, will take the Chair, please, to go into Committee of the whole House.

**House in Committee at 3:07 pm**

*[Mr. Rolfe Commissiong, Chairman]*

## COMMITTEE ON BILL

### TOURISM INVESTMENT ACT 2017

**The Chairman:** Members, we are now in Committee [of the whole House] for further consideration of the Bill entitled the [Tourism Investment Act 2017](#). I now invite the Minister to proceed.

You have the floor, Minister Jamahl Simmons.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman.

Mr. Chairman, I move clauses 1 through 5, please. And I will just notify, as I am sure Members are aware, we are doing an amendment to clause 5 in subsection (6). Does every Member have a copy?

**The Chairman:** Can you just repeat that, Minister?

**Hon. Jamahl S. Simmons:** I am sorry.

**The Chairman:** Can you just repeat that?

**Hon. Jamahl S. Simmons:** I would like to move an amendment to clause 5 in subsection (6) at the appropriate time, Mr. Chairman.

**The Chairman:** Okay. Are there any objections to that?

There are no objections, Minister.

**Hon. Jamahl S. Simmons:** Mr. Chairman, this Bill seeks to encourage developers of hotels, restaurants and tourism products, including attractions, natural sites, monuments, museums or historical structures, to invest in Bermuda by providing relief from customs duty and exemption from certain other taxes.

Clause 1 is the title of the Bill.

Clause 2 provides the definitions for the purposes of the Bill.

Clause 3, the developer of a hotel may apply to the Minister under clause 3 for a tourism investment order.

Clause 4 provides that a developer may qualify for tourism relief based on the criteria provided in Schedule 1.

Clause 5 provides that where the Minister is satisfied that the development is in the best interests of Bermuda he may, with the agreement of the Minister of Finance, make a tourism investment order giving full exemption from customs duty, hotel occupancy tax (where applicable), land tax (where applicable), and payroll tax, and the deferral of landholding charges. It also provides for the Minister to impose terms or conditions on the order.



May I move the amendment now, or do we wait until everyone speaks on these, Mr. Chairman? I might otherwise speak on the clauses.

**The Chairman:** No, let me inquire whether there are any Members that wish to speak to any of these clauses, 1 through 5.

The Chair now recognises the Shadow Minister *[sic]*.

**Mr. N. H. Cole Simons:** I just have a couple of questions, Mr. Chairman.

Applications to the Minister clause 3(2). I was wondering if the Minister would entertain the possibility at some point in the future of including details on the developer or investor and details on their experience and financial strength as part of the information required to complete the application form. And, in addition, I would add another line that would also provide some confidence to us that the financing is in order or that they have got the financing lined up as another item under subsection (f) of that same clause.

Going over to clause 5(5)(a) customs duties, I looked at other jurisdictions and they provided customs relief on vehicles. So, is this legislation and the customs relief going to be extended to include vehicles that a hotel developer might want for their premises, i.e., shuttle buses, hotel cars, or even boats or sailing activity; or something like Princess has, a boat that will move from Hamilton Princess to Southampton Princess? Will they be eligible to have customs relief on that as part of their tourism package?

**The Chairman:** Thank you.

And I just want to correct for the record that the Shadow Minister is Ms. Leah Scott.

*[Inaudible interjection]*

**The Chairman:** No, I agree. I am just correcting the record; that is all.

Does anyone else wish to speak to these clauses?

**Ms. Susan E. Jackson:** Yes.

**The Chairman:** The Chair now recognises the Member from constituency 20.

**Ms. Susan E. Jackson:** Yes, thank you.

**The Chairman:** Ms. Susan Jackson.

**Ms. Susan E. Jackson:** Thank you, Mr. Chairman.

I just have a question around sort of dates and timelines. It seems to me, especially when it comes to the definition of “opening date” that when I look through the legislation it seems as though these

dates are quite vague and could have the potential to extend over a long period of time.

When I look at “opening date” as a definition or interpretation, in (b) it seems that it is left up to the discretion of the Minister. And knowing how these positions and titles change from time to time, it would be quite expedient for a developer to be able to extend their time . . . sort of within the investment order without having any real deadline in place.

And then I was just really curious, too, in [clause] 5(5)(c), in particular, where you are looking at a refurbished hotel and having an “opening date” and just wondering what really constitutes the opening date at that point as well, like how do you know when it is open. So, if the Minister can address those questions, thanks.

*[Inaudible interjection]*

**Ms. Susan E. Jackson:** The Member mentioned when a ribbon gets cut. Well, we have got a couple of buildings out there in development—

*[Inaudible interjection]*

**Ms. Susan E. Jackson:** Well, there you have it.

*[Inaudible interjection]*

*[Gavel]*

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

Are there any other speakers to these clauses . . . no?

Okay, then the floor is yours, Minister.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman.

Just to answer the Honourable Member Cole Simons, to address his question, [clause] 5(5) of the Bill allows the Minister to determine what you need to put in place on the applicant to make sure that they reach those standards. And I think the point you make about proof of financing is important. We have seen that movie before, so we get that.

In terms of “opening date” it is defined in paragraph (b).

Thank you, Mr. Chairman.

**The Chairman:** Thank you.

Minister, are you ready to move the amendment now? Go ahead.

#### AMENDMENT TO CLAUSE 5

**Hon. Jamahl S. Simmons:** Mr. Chairman, I would like to move the following amendment:

That the Tourism Investment Bill 2017 be amended as follows: in clause 5 in subsection (6) by

deleting “4” and substituting “5.” Thank you, Mr. Chairman.

**The Chairman:** Are there any Members that wish to speak to this amendment?

No.

You may proceed, Minister.

*[Motion carried: Amendment to clause 5 passed.]*

**Hon. Jamahl S. Simmons:** I would like to move clauses 6 through 17.

I am sorry; I move that clauses 1 through 5 be approved as amended.

**The Chairman:** The Minister has sought to have clauses 1 through 5, as amended, approved.

Are there any objections?

*[Gavel]*

**The Chairman:** Approved.

*[Motion carried: Clauses 1 through 5, passed as amended.]*

**The Chairman:** Resume, Minister.

**Hon. Jamahl S. Simmons:** I would like to move clauses 6 through 17.

**The Chairman:** The Minister has indicated that he is prepared to move clauses 6 through 17.

Are there any Members who wish to speak to this?

The Chair now recognises the Junior Minister from constituency twenty . . .

**Ms. Leah K. Scott:** Thirty.

**The Chairman:** The Shadow Minister from constituency 30.

**Ms. Leah K. Scott:** You should know that.

**The Chairman:** Ms. Leah Scott, you have the floor.

**Ms. Leah K. Scott:** First of all I want to say that I do not commend the language that was used in this House. And if anybody knows me, they know that some of the things that go on, I do not agree with.

*[Desk thumping]*

**Ms. Leah K. Scott:** So, I think that was inappropriate. I think that this debate has been extended far longer than it needed to be, and I apologise for the time that has been wasted.

**The Chairman:** Point taken, Shadow Minister.

You may proceed.

**Ms. Leah K. Scott:** I just have a couple of questions, Minister.

Under [clause](6)(1)(c) “if any goods which were imported subject to customs duty relief by virtue of the order are used for purposes which do not relate directly to the development . . .” How are you going to police that? How do you monitor that? How do you know if goods that have been imported and have been relieved are being used contrary to what they are supposed to be used for?

And then the second one is under the land tax relief, which was supposed to be 100 per cent starting in year 6 and would be subject to the hotel verifying to the Minister in years 6 through 10 that 70 per cent of the hotel staff is Bermudian. I know that the verification is going to be in writing, but how is that verification that Bermudians are employed going to be substantiated? What evidence is going to be provided to you other than a letter that satisfies you that they are actually employing Bermudians?

Thank you.

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

Are there any other speakers?

The Chair now recognises the Member from constituency 8. You have the floor, sir.

**Mr. N. H. Cole Simons:** [Microphone not on.]

In preparation for the debate I did some research and I found that in other jurisdictions the Minister of Tourism, on receipt of an application to develop or operate a tourism product, must within 90 days of the receipt of the application either notify the applicant in writing of its approval or refusal; or request that additional information be submitted.

So, in the regulations will we have a clause that will address the turnaround date or a period of time by which the developer will be assured that he will have some type of response from Government?

*[Inaudible interjection]*

**Mr. N. H. Cole Simons:** [That he can] be assured that he can have some type of response, so would it be 90 days, would it be 120 days . . . either it is approved, rejected, or they would require more information. So it is embossed in the regulations.

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

Does anyone else care to speak to the clauses?

The Chair now recognises the Member from constituency 20.

**Ms. Susan E. Jackson:** Mr. Chairman, I still have an issue with the timeframe. And in clause 6 where the

Minister has the power to amend or to revoke a tourism investment order, to me there should be some clause added to that which allows that the projects need to be completed in a certain period of time.

The last thing we need in Bermuda is to have some form of construction that remains unfinished on a property because the developer . . . it is in his or her best interests not to complete the project in order to continue to get the benefits of this order. So, I really feel as though there needs to be some kind of timeline put on anybody who is making application for an investment order.

**The Chairman:** Are there any other Members who care to speak to these clauses? No?

The Chair now recognises the Minister.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman.

Just to answer the last question first, Schedule 1 speaks to timelines for completion of the project. And I think that the Honourable Member. . . you know, there is a concern, because we have seen this movie before. But Schedule 1 deals with that.

To the Honourable Member, the Shadow Minister of Education, regulations are not in place, but the Ministry will be providing guidance.

In terms of the question by my Shadow Minister, the Collector of Customs under [clause] 6 monitors this in conjunction with the Minister. And hotel inspectors alongside the Ministry of Workforce Development will be monitoring and reporting back.

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

*[Inaudible interjection]*

**The Chairman:** The Chair now recognises—

**Ms. Leah K. Scott:** Oh, sorry, sorry.

**The Chairman:** The Chair now recognises the Shadow Minister. You have the floor, Madam.

**Ms. Leah K. Scott:** Thank you.

The other question about how you are going to verify the verification of Bermudians, other than a letter being sent to you?

**Hon. Jamahl S. Simmons:** I am sorry. I thought that was actually a question that was answered.

The hotel inspectors will be doing the monitoring of that. But they also are monitored by the Ministry of Workforce Development.

*[Inaudible interjection]*

**Hon. Jamahl S. Simmons:** No problem.

**The Chairman:** Are there any other Members that would care to speak to these clauses?

**Ms. Susan E. Jackson:** Just speaking to Workforce Development . . . so is there any way that the Workforce Development is going to be tracking Bermudians and their training and development on the job from the very beginning and that it is not just an audit that comes up from time to time based on numbers?

**The Chairman:** Sorry, you have the floor.

**Hon. Jamahl S. Simmons:** Yes, thank you.

The Government, and the Act lays this out, is committed to monitoring and enforcing this and ensuring that Bermudians are receiving adequate training. And that is something that we are committed to with the use of the hotel inspectors as well as the collaboration between the two Ministers to make sure this happens.

**The Chairman:** Again, are there any other Members that wish to speak to these clauses?

There being none, you may resume, Minister.

**Hon. Jamahl S. Simmons:** Mr. Chairman, I move that clauses 6 through 17 now be accepted as written.

**The Chairman:** Members, the Minister has asked that clauses 6 through 17 be approved as written.

Are there any objections?

There being no objections.

*[Gavel]*

**The Chairman:** Approved.

*[Motion carried: Clauses 6 through 17 passed.]*

**The Chairman:** You have the floor, Minister.

*[Crosstalk]*

**Hon. Jamahl S. Simmons:** I would like to move the Schedules.

**The Chairman:** Are you going to move all three of them . . . all four of them, I should say?

Okay. The Minister has indicated his desire to move all four of the Schedules in question.

Are there any objections?

There being no objections, go ahead, Minister.

*[Motion carried: Schedules 1 through 4 passed.]*

**Hon. Jamahl S. Simmons:** I move that the Bill now be reported to the House as amended.

**The Chairman:** The Minister has now asked that the Bill be reported to the House as amended.

There being no objections—

[Gavel]

**The Chairman:** And for the Schedules as well.

The Bill will now move back to the House itself.

*[Motion carried: The Tourism Investment Act 2017 was considered by a Committee of the whole House and passed with amendment.]*

**House resumed at 3:23 pm**

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

## REPORT OF COMMITTEE

### TOURISM INVESTMENT ACT 2017

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

Any objection to the Tourism Investment Act 2017 being reported to the House?

No objections.

Approved.

The next item—[Order] No. 2 on the Order Paper—No. 3 on the Order Paper, rather, is the second reading of the Proceeds of Crime Amendment (No. 3) Act 2017.

The Minister of Health, you are leading this? Minister of Health, you have the floor.

## BILL

### SECOND READING

#### PROCEEDS OF CRIME AMENDMENT (NO.3) ACT 2017

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

Mr. Speaker, I move that the Bill entitled the Proceeds of Crime Amendment (No. 3) Act 2017 be now read the second time.

**The Speaker:** Proceed, Minister.

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

Mr. Speaker, I am pleased to introduce to this Honourable House the Proceeds of Crime Amendment (No. 3) Act 2017, hereinafter referred to as “the Bill,” to address matters pertinent to Bermuda’s compliance with international standards set by the Financial Action Task Force (FATF).

The Bill amends several pieces of legislation, namely: the Proceeds of Crime Act 1997; the Proceeds of Crime (Anti-Money Laundering and Anti-

Terrorist Financing Supervision and Enforcement) Act 2008; the Trustee Act 1975; the Financial Intelligence Agency Act 2007; the Charities Act 2014; the Casino Gaming Act 2014; the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008; the Charities Regulations 2014; and the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014.

Mr. Speaker, as part of our ongoing efforts to enhance Bermuda’s compliance with FATF standards on combating money laundering and terrorism financing, this Bill seeks to strengthen the bonds that connect Bermuda’s competent authorities that must work together for this purpose. To that end the amendment of the Proceeds of Crime Act 1997 will designate the Bermuda Casino Gaming Commission as a member of the National Anti-Money Laundering Committee (NAMLC).

This comes at a critical time as currently the Commission is evaluating Bermuda’s first application for a casino gaming licence. The Commission has been participating in all of NAMLC’s initiatives to enhance the anti-money laundering, anti-terrorism financing (or the AML/ATF) framework and to prepare for the 2018 evaluation of Bermuda’s AML/ATF framework by the Caribbean Financial Action Task Force. It is therefore important that the legislative framework entrenches the Commissioner’s role as one of Bermuda’s watchdogs to protect Bermuda against money laundering and terrorism financing in this new sector.

Mr. Speaker, the Financial Action Task Force mandates that casino gaming must be subject to robust regulation for AML/ATF purposes as this is a sector internationally recognised as having the potential to be vulnerable to such abuse. Therefore, further amendments to the Financial Intelligence Agency Act 2007 are intended to support the Bermuda Casino Gaming Commissioner’s careful monitoring of the casino gaming product when it is introduced to Bermuda so as to minimise its possible abuse for money laundering and terrorist financing purposes.

One amendment will allow the Financial Intelligence Agency to share intelligence with the Casino Gaming Commission. Additionally, an amendment to the Casino Gaming Act 2014 will require casino operators to monitor the activities of casino patrons and file currency transaction reports with the FIA for transactions that reach the \$10,000 threshold. As a consequence, the FIA will also be authorised to receive, store, analyse, and disseminate information related to currency transaction reports filed by casino operators and others.

Mr. Speaker, some of the amendments to the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 are also designed to enhance the AML/ATF controls in place, specifically for casino operators. Therefore, in keeping with best practices, additional activities that are known

to increase vulnerabilities for money laundering in casinos are included in the list of activities that are prohibited from occurring in casino operations in Bermuda. Specific monetary thresholds for gaming and betting in casinos are also being imposed in these regulations as the trigger points for customer due diligence to be conducted by casino operators.

Amendments to the Regulations will also prescribe the circumstances in which casino operators will be required to apply enhanced due diligence on patrons and transactions and to implement risk-based measures. Some of these new requirements are very much in line with best practice established in the most respected gaming jurisdictions and Bermuda is adopting these enhanced measures to protect Bermuda's international reputation, and also to send a clear message that we are serious about preventing the abuse of our gaming sector.

Mr. Speaker, the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 is also being amended by this Bill. This amendment seeks to clarify that the existing powers under the Act can be used by a supervisory authority to ensure that certain non-financial businesses are not conducting business in a manner that contravenes the provisions of that Act.

Mr. Speaker, the Bill contains additional amendments to the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 which will have wider application to all the sectors that are subject to our AML/ATF obligations.

These amendments primarily aim to enhance the customer due diligence requirements, especially in relation to customers that are legal persons (such as companies and partnerships) and legal arrangements (such as trusts). These amendments specify the full range of information that FATF mandates should be obtained on such customers as part of the customer due diligence process to ensure that this control measure is fully compliant with the international standards. The goal underlying the other amendments to these regulations is to ensure that they adhere more precisely to the FATF requirements.

Mr. Speaker, recognising that some aspects of the FATF standards apply to non-professional persons when it concerns trusts that are established or managed in Bermuda an amendment is also being made to the Trustee Act 1975 to address a gap in relation to those trustees who act in that capacity for no reward.

Mr. Speaker, the FATF standards are aimed at ensuring that legal arrangements, such as trusts, are not misused for money laundering and that the law enforcement and other competent authorities in Bermuda have the ability to detect and take appropriate action if that is suspected to have occurred. Therefore, the amendment to the Trustee Act will require non-professional trustees to document the information they have about the identity of settlers, ben-

eficiaries, and protectors under the trust they are responsible for and to keep these records throughout the duration of the trust relationship. They will also be required to keep records of the transactions that they carry out under the trust. Some exemptions from these obligations will be allowed in specific circumstances, such as where a co-trustee to the trust in question is a licensed trustee, or where the record keeping obligation is delegated to a licensed trustee.

Mr. Speaker, in 2016 the FATF standards were amended to require that AML/ATF controls applied to non-profit organisations and that they should be risk-based. The purpose was to minimise the negative impact of the imposition of a costly AML/ATF programme on all charitable organisations regardless of risk with the likely result that charitable works could be stymied in areas where there was no terrorist financing risk in particular.

To that end, amendments are now being made to the Charities Act 2014 to authorise the Registrar General to implement risk-based supervision of the charity sector and to require the Registrar General to establish and publish the criteria that will be used for risk-profiling of the sector. These amendments will also give the Registrar General the necessary tools to be able to effectively monitor the sector for compliance with the AML/ATF requirements and take enforcement action where necessary. As a consequence, other amendments to the Charities Act and Regulations 2014 and to the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014 are also necessary to do the following, Mr. Speaker:

1. Immediately exempt from certain AML/ATF requirements, charities that have a gross income of \$50,000 or below.
2. Strengthen the Registrar General's powers to impose remedial measures on a charity, including the power to freeze the payments to and from a charity without tipping off the principals of the charity in order to prevent prejudice to any investigation. The ability to exercise this power without giving prior notice to the charity will only be permitted where the Registrar General reasonably suspects that the charity's assets are being used for money laundering, terrorist financing, or fraud.
3. Enhance the Registrar General's powers to require enhanced reporting by a charity that has been classified as having a higher risk for money laundering or terrorist financing. This is to facilitate more focused monitoring by the Registrar General having regard to the specific money laundering and terrorist financing risk posed by the charity in question.

To reiterate, Mr. Speaker, the proposed amendments will, among other things:

- lay the foundation for sound cooperation between Bermuda's competent authorities in re-

lation to the AML/ATF control of casino gaming in Bermuda;

- it will strengthen the AML/ATF control measures that will apply to casino operations;
- it will strengthen the customer due diligence requirements in relation to customers that are legal persons and legal arrangements;
- it will require non-professional trustees to document and keep certain records in relation to the trust that they are responsible for;
- it will implement a risk-based supervisory regime for charities in Bermuda; and
- provide the necessary tools and powers to the Registrar General to effectively carry out such supervision.

Mr. Speaker, I might add at this time that this Bill was subject to very wide consultation, both during the policy development as well as during the drafting stage, and that included the charities, financial and non-financial sectors as well as. So there was very wide consultation to get us to where we are at this point.

Mr. Speaker, in closing, Bermuda remains committed to working to achieve full compliance with the international standards, and this Bill is one step further to the journey to achieving such compliance.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 9.

Honourable Member Mr. Moniz, you have the floor.

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

Yes, Mr. Speaker, this is another piece of legislation that was being developed during my time as Attorney General. It enables us to comply with the necessary requirements for our assessments under OECD and the FATF requirements.

We do have areas of challenge. This enables the various organisations to better cooperate with each other. It gives the Gaming Commission a seat on NAMLC, which is a good development. We still have . . . this is not, of course, the end of the road. This is another step in the road of enhanced due diligence. I think we have probably, with respect to the Gaming Commission, taken the standard from the US where that magic figure is \$10,000, which I think is what is reportable in the US if you are transferring cash payments, et cetera. So anything over \$10,000 is a transaction that is reportable.

We do have issues here. We have ongoing problems, on the one side, with charities. We have issues with charities. And I know [it has been] a period of time since the Charities Act had a major overhaul; it probably needs another fine-tuning at this point in time. We have had a lot of problems with charities and

there has been the inability to really deal with it. If you take the case, for example, of the Committee of 25 there were continuing allegations of large amounts of money having disappeared and the authorities never managed to reach any sort of successful conclusion on that. There was not really a combined way of dealing with these issues so you never resolved them. So they are still out there. You still get the complaints.

With the Committee of 25 at one point they removed themselves from being a registered charity, then they sort of jiggled around some of the executive and tried to get re-registered and there was never any successful resolution of that. We have had other areas, too, where people decide that some undertaking, some business undertaking is a charity, when really it probably is not. So people are still being given too much leeway.

So in terms of the Registrar General, we are probably ultimately going to need to continue fine-tuning the powers that he has under the Charities legislation to deal with this. Because, certainly, if you were in a situation of misdealing with money that would be an attraction. So it is where the rubber meets the road rather than the high level where you have the framework.

I know we have an outstanding problem with betting shops, with respect to the policing of betting shops and where the money comes from and where it goes to. And that is going to be an area that Government is going to have to come to grips with and bring into the modern age . . . the framework. And I am sure that is, hopefully, in train as we speak.

You know, this whole area of gaming is a difficult one. And, again, I have always been one that is very wary of all the risks. We have all seen the rumours that were floating around the papers recently with respect to, you know, a trip. And there have been denials of any trip and discussions about cashless gaming that have been going on and whether Bermuda wants to get involved in cashless gaming. So all of those issues, it is going to be a big area of concern with money laundering when we enter into that.

And I know at the moment we are waiting for the Gaming Regulations, which are substantial in nature, and I am sure the Gaming Commission are very anxious for those to be brought to the table. But they are complex. I know at the time that we were dealing with their drafting [that it] was not necessarily easy to translate them into Bermuda law from the desired US legal model.

So I would like to congratulate the Minister on being able to finally bring this to the table. I see Members of Chambers here, and I see Ms. Tyndale here, the NAMLC coordinator; Mr. Richardson from Chambers; and I would like to congratulate them on their very hard work. This took quite a while to pull together. As the Honourable Minister said, there has been a lot of consultation on this. But, of course, it is a step in

the road and there is further yet to go. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

We recognise the Minister of Tourism. Minister Simmons, you have the floor.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker.

Mr. Speaker, the provisions within this Act that relate to gaming are significant, not just because of them meeting the standards that we need to meet to protect our reputation and our industry, but as someone who does not game, as someone who did not vote in support of gaming, I believe that we must set the standard and go beyond the standard in terms of cleanliness, corruption-free, money laundering—impossible, or as close as you can get it, as we should be.

Mr. Speaker, the reputation of Bermuda is very dear to me and to this Government. And it is beyond the pale that anything could be allowed to diminish that reputation. And the commitment I make, as the Minister of this Government responsible for gaming, is that we will make sure that this is a criminal free zone. Make no mistake. I have no tolerance for corruption and criminality. And any department, including the Gaming Commission, will have no tolerance for any form of corruption, malfeasance, or anything of that nature.

Mr. Speaker, we have seen the issue of gaming as it has worked its way through the process. It has been to the detriment of many people in this Chamber . . . several people in this Chamber, I should say. We have seen a Premier resign surrounding gaming. We have seen rumours and allegations, substantiated and unsubstantiated, floating around this. And I must say we have to make sure collectively—both sides of the House—that we keep this clean, as clean as possible.

Mr. Speaker, I may never step foot in a casino. I may never step foot in one. The first one that opens, I have no interest in it. But I do have an interest in the reputation of my country and the knock-on effect that the diminishment of that reputation will have on my people. So I am very pleased to see that the Health Minister has brought this forward on behalf of the Attorney General. I am glad to see that we are meeting and ticking all the boxes to get us in line of where we need to be to protect our—

*[Inaudible interjection]*

**Hon. Jamahl S. Simmons:** I am sorry. I am easily distracted, Mr. Speaker, the hour is late.

*[Inaudible interjection]*

**Hon. Jamahl S. Simmons:** I am not used to—

**The Speaker:** Continue, you will be all right, just keep speaking to me.

**Hon. Jamahl S. Simmons:** Mr. Speaker, I am not used to being here this late lately. It has been an interesting experience.

**The Speaker:** I was hoping we would be gone at this time today as well.

**Hon. Jamahl S. Simmons:** Well, I am going to petition the Deputy Speaker because you know we are going into overtime now.

But, having said all that, I think that it is clear what our responsibility is when it comes, not just to the gaming aspect, but getting the job done to ensure that we protect our economy. There is no greater risk than the loss of the opportunities that our reputation and our structure provide. We have to do it and this is a good first step in that direction.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Honourable Member wish to speak?

I recognise the Honourable Member from constituency 19. Honourable Member Atherden, you have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to make two observations. I, like everyone else, know why we have to do this. And as I said before when we were talking about some of the anti-money laundering legislation I knew that many more things were going to come.

I think the only observation that I want to make, and I make it now because I think it is appropriate in what I call the general discussion, is the fact . . . and I think I just looked at it. This was talking about, when we were talking about the charities, I am mindful of the fact . . . and this is the amendment to the Charities Act. I am mindful that I am talking in general terms.

But with respect to the charities I know that I have been speaking to people who are involved in charities. And, whether we like it or not, people in Bermuda have used the formation of a charity as almost a way in which to have business enterprises. So that when you turn around and you say that the gross income is \$50,000 . . . lots of people do have gross incomes of \$50,000—charities—because they are out there fundraising from everybody. They are getting grants, et cetera. And as I understand [it], gross income would include grants, et cetera.

So I am pleased that . . . I know that we had to set \$50,000. And lots of what I call smaller charities will probably be exempted by that. So I was pleased

when we talked about those ones who might get grants and might have other things making \$50,000 or more that we have now developed the, what I call . . . it says, “in consultation with the NAMLC, the criteria to be used for determining the AML/ATF risk profiles of charities, in order to facilitate risk-based supervision” because I think that is very important. It is very important that once you start looking at—not just using the criteria of the \$50,000—but when you start looking at where their money is coming and how they get it, you will be able to look at the risk in terms of other persons using these charities as a way to funnel money in there and use them for terrorist or money laundering opportunities.

So, I just want to say that this, to me, is a good response and we are like everybody else. We want to make sure that Bermuda’s reputation is not tarnished and we do not want people to somehow think that because we are a jurisdiction which is small that they can slip in and do some things, and then we find our reputation tarnished. Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 6. Honourable Member Furbert, you have the floor.

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

Mr. Speaker, first of all let me congratulate the Minister for bringing this Bill. And I understand, again, that the former Government and the Honourable and Learned Member Trevor Moniz were involved also, so congratulate yourselves.

But you know most people, when we talk about proceeds of crime and money laundering, do not even know what we are talking about. And basically money laundering is turning “dirty” money into “clean” money. That is basically what it means. So you are taking . . . and basically “dirty” money mainly comes from drug trafficking (probably one of the key elements out there). So individuals try to find a way to get this “dirty” money into institutions to make it “clean.” That is where the “laundering” comes from.

The way I understand it, this industry is about a \$500 billion industry annually—\$500 billion—which is significant. So they have got to find someplace to put it. I came across where it says the facts that are identifying money laundering operations needs to conceal the origin and the true ownership. And so that is why a lot of times people are looking into blaming overseas islands, like Bermuda, who have offshore companies here.

So they have to hide the origin from who put it in place, maintain control of the proceeds, and they will need to change the form of the proceeds in order to street . . . use a volume of cash because it really is a cash business. So it is out there floating all around there. Some people have probably got it under their

beds. But then they have got to find a way to do it, so it is a cash incentive.

And most of the time they find a way. And banks are probably one of the primary sources where they are trying to get their money because that, at the end of the day, is where they are trying to end up because that is where money is being washed and they are saying . . . And there is no doubt that I am sure that Bermuda is not . . . because we know that the drug trafficking in Bermuda is huge. So they have to try to find a way to get it into that circle.

And I saw where *The Guardian* reported in March . . . Honourable Member Grant Gibbons, do you have something to say?

**Hon. Dr. E. Grant Gibbons:** I said, *How helpful is this?*

**Hon. Wayne L. Furbert:** Well, because I am talking about banks. Is that not . . . you are not interested in that? All right. Okay. Just very, very short.

So the point is that we find out that there is a whole aspect of finding a way to get this money into a clean basis. So you could be going and trading and buying [expensive] jewellery with cash, buying diamond rings worth a significant amount of money which gets into the retail sector. And then it ends up in the banks . . . Clarien Bank, or a few other banks around here. Then you also could be buying [expensive] antique goods. So the proceeds of crime [Act] is finding a way to find its check and balance to ensure that we have a clean jurisdiction. Hence, why we talk about the idea of charities and putting money into charities or putting the money into . . . people go into . . . because most times they trade into . . . well, you go into a casino and you are buying chips. So you buy these chips and at the end of the day you may win a few, you may lose a few. But then you cash out and you have got the cash and it looks like the funding is coming from an organisation which is clean.

So, again, I just thank the Minister for doing this. But I think it was important that, because I do not think most . . . there are a lot of Bermudians out there that do not even know what we are talking about when it comes to proceeds of crime and money laundering. They just think it is transfer of money because they can come and give me a couple of thousand dollars and I walk down to the bank and they think that, *Okay, Wayne is a reputable person, he puts it in the bank and it is clean and then later on may come borrow it.* I am just saying things could happen like that.

But I am glad that these proceeds of crime Acts . . . and as time goes on they become more sophisticated. So this is not the first time that we brought Proceeds of Crime amendments and I am sure there will be more as time goes on to try to block these sophisticated ways of, like I said, turning “dirty” money into “clean” money. Thank you.



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

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 1. Honourable Member Ming, you have the floor.

**Mrs. Renee Ming:** Good evening, Mr. Speaker.

I probably just have very brief comments with regard to the Proceeds of Crime Amendment (No. 3) Act 2017.

I believe that this is one of those Acts, Mr. Speaker, where we are evolving as a country. We are evolving in terms of the anti-money laundering, the anti-terrorism financing, and all those regulations that are starting to come into place.

I probably disagree a little bit with my colleague when he says that people do not necessarily know about these things because—I am going to declare my interest right now. I work in a financial institution. And if you have a bank account these days you know what it is like to have to submit every piece of being . . . almost soon it is going to be your blood type.

**The Speaker:** You said it is a nuisance, right?

**Mrs. Renee Ming:** Right from your passport, your utility bill—

**The Speaker:** It is a nuisance, right?

**Mrs. Renee Ming:** I am not going to say it is a nuisance because—

**The Speaker:** Yes, it is.

**Mrs. Renee Ming:** It is what we have to do, all right?

So, Mr. Speaker, even if our people may not be knowledgeable in terms of the grand scheme of anti-money laundering, just the fact that it is . . . you are a customer, you do your due diligence, and stuff like that, by virtue of what they are being . . . their eyes are being opened to a wider picture of why we have to have legislation such as this before us today.

The key . . . and I think what may have been said, is that it comes with some education. Because I believe that as people begin to understand why we are doing it and it is part of a wider global scale and that we are one small country here in Bermuda. But in the world this is how it is. And to be quite honest this is going to be the norm.

And even if we think it is a nuisance—

**The Speaker:** A big nuisance.

**Mrs. Renee Ming:** —when you want to compete globally and outside of Bermuda and we think everything is all wonderful being international, this is what

you have and this is now what you now have to deal with.

So I want to say that I had an opportunity to actually go through and make sure that I read this Act thoroughly. And I can definitely say that . . . I mean, obviously it is my party. But I throw my support behind it and I do think that, like I said, there is an educational component that will come. I do sit on some charities and sometimes these things are very difficult for charities to understand why they need to do so much, why they have to have a compliance officer, why they have to keep reporting. And so the educational component is what I am speaking to today. I think it is extremely important that we make sure we consider that with these things.

And with regard to gaming, I think we have to get it right. And so I do not want us in any way to think that we need to race and that we have to hurry up and do something because we do have to get it right and you only have one reputation. And once we have one thing that sort of smears it . . . eventually yes, people forget about it, but it is there and it is always somewhere even behind you.

So with those brief comments, Mr. Speaker, I just want to say that I thank the Minister and I just think that it is one of those evolving things that is where we are going to find ourselves. Thank you.

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

Does any other Member wish to speak?

No? Good.

Minister, would you like to wrap up? Thank you. I recognise Minister Wilson, you have the floor.

**Hon. Kim N. Wilson:** Yes, thank you, Mr. Speaker, and thank you to the Honourable Members for their contributions and participation.

I think I want to start by trying to attempt to clarify something contrary to what people may believe. Fortunately, because of Bermuda's robust regime as it relates to anti-money laundering and anti-terrorist financing, drug trafficking is not a huge phenomenon in Bermuda as it relates to money laundering. There are areas of vulnerability that Bermuda and other jurisdictions are facing every day with respect to money laundering and terrorist financing.

However, legislation such as this is Bermuda's way of trying to remain current with international standards, standards that have been set by the Financial Action Task Force, as well as it represents Bermuda's commitment to ensuring that we have a robust anti-money laundering, anti-terrorism regime and that we are, in addition to being compliant, that we ensure that the reputation of Bermuda remains intact so that people do not feel that this is a jurisdiction that can be deemed as it being easy to infiltrate our banking systems, our financial systems, our trusts, our legal, our real estate and our charitable systems

here in Bermuda with respect to money laundering and terrorist financing.

Another question that was raised with respect to an issue concerning the charities . . . and I am going to just segue into the education element. Kudos to The Centre on Philanthropy who held many, many, many open free sessions with many of the charities in Bermuda to help to educate them on the legislation that was coming down the pipeline and on the need for them to be compliant with this legislation. And as the Honourable Member that sits opposite me indicated with respect to the \$50,000 gross threshold, it is something that was heavily discussed within the charities and it is best practice, and there will be a number of charities that will not even . . . because of the type of charitable organisation that they have, will not even ever actually gross that amount, but then of course there will be others that will and, therefore, they will be placed in this regime.

But what is really critical is that under the legislation it does speak to the fact that the Registrar General (who is the competent authority for the charities) has to look at the implications of the AML/ATF regime as it relates to risk. And under the Financial Action Task Force's recommendations the thing that underpins all of their 40 recommendations is this whole issue about risk and that countries and organisations need to adopt a risk-based analysis of their industry because they recognise [that] resources and human resources are limited. And so the Registrar General and/or the country themselves are required—and this is going to be one of the points that will be looked at when we have our mutual evaluation in the fall of 2018 . . . is Bermuda operating on a risk-based approach?

And throughout this whole consultation period Bermuda has recognised that, because of some of the FATF recommendations, that there are potential vulnerabilities within the charities sector, which is why we are seeing this legislation here as well. So in addition to Bermuda as a country ensuring that we adopt a risk-based approach, so too will the requirement be for the Registrar General as he looks at evaluating the charities and the organisations that fall within the charitable remit.

So with that, Mr. Speaker, I am thrilled and I thank the Opposition for their support with respect to this piece of legislation. It is critical. It will help Bermuda as we prepare for our mutual evaluation. These are things that the assessors will be looking at when they come in the fall. It is an evolving matter. This has been going on for several years, and there will no doubt be more pieces of legislation that will come before this Honourable House to ensure that we are remaining compliant with respect to the FATF standards.

And, again, Mr. Speaker, this Bill represents the Government's continued commitment to ensuring that we are ready ourselves for the mutual evaluation

and that we remain consistent and committed to applying the FATF standards, and again, I thank the Opposition Members for their support because they, too, obviously recognise the need for us to work together on this very, very important piece of legislation. And with that, Mr. Speaker, I would like to move that the Bill be committed.

**The Speaker:** Thank you. Minister, Deputy, will you take the Chair [of Committee]?

### House in Committee at 6:01 pm

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

## COMMITTEE ON BILL

### PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2017

**The Chairman:** Honourable Members, we are now in the Committee of the whole [House] for further consideration of the Bill entitled [Proceeds of Crime Amendment \(No. 3\) Act \[2017\]](#).

I call on the Minister in charge to proceed. Minister, you have the floor.

**Hon. Kim N. Wilson:** Yes, Mr. Chairman.

Mr. Chairman, I move clauses 1 through 5, please.

**The Chairman:** Any objections to moving clauses 1 through 5?

There appear to be none. Continue, Minister.

**Hon. Kim N. Wilson:** Mr. Chairman, the preamble explains that the Bill seeks to amend the Proceeds of Crime Act 1997, the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008, the Trustee Act 1975, the Financial Intelligence Agency Act 2007, the Charities Act 2014, the Casino Gaming Act 2014, the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorism Financing) Regulations 2008, the Charities Regulations 2014, and the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014.

Mr. Chairman, clause 1 is the citation.

Clause 2 amends the Proceeds of Crime Act 1997 by (1) correcting an error which arose because of a reference to a provision in the Criminal Code Act 1907 and has been replaced by a provision in the Criminal Jurisdiction and Procedure Act 2015; and (2) adding the Bermuda Casino Gaming Commission as a member of the National Anti-Money Laundering Committee (NAMLC) to ensure that this agency is fully part of Bermuda's AML/ATF regime for the purposes of policy and national coordination.

Clause 3 amends the Trustee Act 1975 to require non-professional trustees to maintain throughout the trust relationship identifying information about the settlor, protector, and beneficiaries of the trust for which they are trustees. The provision also requires non-professional trustees to keep records of all transactions they carry out under the trust and to retain such records for five years from the date of each such transaction. These requirements will allow adherence to the FATF standards for trusts that are not managed by the non-professional trustees who are persons not required to be licensed by the Bermuda Monetary Authority. The provision also specifies that a non-professional trustee will be exempt from the specified AML/ATF obligations if he or she is a co-trustee of the trust in question and another co-trustee is a licensed trustee or if he or she has designated a licensed trustee to maintain the records of the trust in question. In this context, a non-professional trustee is a natural person who acts as trustee without reward in the context of family or friendship. The provision also imposes a civil penalty of up to \$7,500 on a non-professional trustee who knowingly and willingly does not comply with these obligations.

Clause 4 amends the Financial Intelligence Agency Act 2007 to authorise the FIA to receive, gather, store, analyse and disseminate information relating to currency transaction reports filed with them by casino operators and high value dealers. Under a concurrent amendment to the Casino Gaming Act 2014, casino operators will be required to monitor their patrons' gaming activities and to report to the FIA through a currency transaction report the total of any gaming transactions carried out by a patron within a 24-hour period that equals to or exceeds \$10,000. In the case of high value dealers who are registered with the FIA section 9 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorism Financing Supervision and Enforcement) Act 2008, mandates such persons to file a currency transaction report with the FIA whenever they undertake a cash transaction with a customer that equals or exceeds \$7,500 and the provision also amends the FIA Act to authorise that the FIA to disclose information to the Bermuda Casino Gaming Commission to facilitate the discharge of their statutory functions.

Finally, Mr. Chairman, clause 5 amends the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 to strengthen the powers of competent authorities to be able to ensure that non-financial businesses do not conduct business in contravention of the requirements of section 9 of that Act.

**The Chairman:** Any further speakers for clauses 1 through 5? There appear to be none—

**Hon. Dr. E. Grant Gibbons:** Yes—

**The Chairman:** Oh—

**Hon. Dr. E. Grant Gibbons:** Sorry, Mr. Chairman.

**The Chairman:** Yes, we recognise the Honourable Member, Grant Gibbons.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Not a large issue, but in clause 5, specifically under Part 3 Powers, 18A. It reads, "The powers provided in Part 3, Chapter 3 may be exercised by the competent authority to enable it to establish whether regulated a non-financial business or profession, specified in Schedule 2, is carrying on business contrary to section 9." I think it is misworded. My sense is that after the word "whether" you want to insert "a regulated"—get rid of the "a" after regulated. Otherwise, it does not read appropriately. I can repeat that, Mr. Chairman, if people—

**The Chairman:** Yes, please.

**Hon. Dr. E. Grant Gibbons:** So, under Part 3 Powers, 18A, it says, "The powers provided in Part 3, Chapter 3 may be exercised by the competent authority to enable it to establish whether," and then it says, "regulated a non-financial business . . ." I think it should read "whether a regulated"—get rid of the "a" after regulated so, "whether a regulated non-financial business or profession, specified in Schedule 2, is carrying on business contrary to section 9."—"a" is in the wrong place, in other words.

**Hon. Kim N. Wilson:** Mr. Chairman, I see that point and I do take that. I think that is something that can be corrected under the slip rule.

**The Chairman:** Any further speakers?  
Continue.

**Hon. Kim N. Wilson:** Thank you for that.

**The Chairman:** Continue, Minister.

*[Clauses 1 through 5 passed.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman. I would like to now move clauses 6 through 9, but there are two amendments being proposed in clause 6 and in clause 7.

**The Chairman:** Yes?

#### AMENDMENT TO CLAUSE 6

**Hon. Kim N. Wilson:** Clause 6, Mr. Chairman, in clause 6 of the Bill, section 132A(5) by deleting and substituting the word "may" with the word "shall."

Clause 6 amends the Casino Gaming Act 2014, inserts a new provision requiring casino operators to maintain a record of the aggregate of all of the patrons gaming related transactions whereby he pays to or receives from the operator \$10,000 or more within a 24-hour period in a casino. The operator is mandated to start recording and monitoring a patron's gaming activities the moment that patron has paid to or received from the casino operator \$3,000 in a given day. The provision also requires the operator to file a currency transaction report with the FIA containing the record of transactions with the patron that reach or exceed the \$10,000 threshold.

And, Mr. Chairman, with respect to the amendment at clause 6 of the Bill, it is in [new section] section 132A(5) by deleting the word "may" and substituting the word "shall." I think that amendment has already been circulated.

**The Chairman:** Any speakers . . . any objections to that amendment?

No objections? The amendment is . . . Continue, Minister.

*[Amendment to clause 6 passed.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman. I will move to clause 7, and again, there is an amendment there as well.

**The Chairman:** Mm-hmm.

#### AMENDMENT TO CLAUSE 7

**Hon. Kim N. Wilson:** In clause 7(a) of the Bill, Mr. Chairman, the paragraph (da) and (db) by deleting and the words "AML/ATF" and substituting the words "money laundering or terrorist financing."

Clause 7 amends the Charities Act 2014 to read: (1) authorise the Registrar General to implement money laundering risk-based supervisory or monitoring programme for charities and to establish and inform the charities sector of the criteria to be used in determining the risk profiles of charities in order to facilitate the risk-based supervision; (2) give the Registrar General the powers appropriate for a supervisory authority to monitor the registered charities with a view to determining whether they are in compliance with the requirements stipulated within the charities legislation and to take action to enforce compliance with those laws wherever a breach is identified. These powers include the ability to do on-site inspections and to impose civil penalties. It also empowers the Registrar General to use an existing power under the Act to freeze payments to and from a charity but without giving notice to the charity in order to protect the interest of beneficiaries or to prevent an investigation from being prejudiced.

However, the exercise of this power will only be permitted where the Registrar General reasonably suspects that the charity's assets are being used for money laundering, terrorist financing, or fraud. The provision gives the charity the power to appeal to the Supreme Court when such power is exercised by the Registrar General. It also authorises the Registrar General to require a charity to wind up its affairs and transfer any remaining net assets to an existing registered charity with similar aims and purposes. This provision is designed to address the undesirable circumstances where the Registrar, under the provisions that currently exist in section 23 of this Act, is able to exercise a discretion to cancel the registration of a charity but that has no power to protect the public interest by ensuring that the assets of the charity that might have been acquired from public donations are still applied for the intended charitable purpose. This amendment remedies this and ensures that such assets are not dissipated irresponsibly.

It also exempts charities that have an annual gross income of \$50,000 or less from the obligations to appoint a compliance officer, establish and implement AML/ATF systems and controls, and retain specified records for the prescribed period, and to give the Registrar General the ability to consider applications for registration that are made by entities established by private act or by schools in Bermuda. Therefore, notwithstanding the general exemption from the application of the Charities Act which applies to such entities, the Registrar General may register such entities or schools upon their application if he or she is of the view that it would be in the public interest for them to be registered and be subject to the requirements in the Act. Thank you.

**The Chairman:** Anyone will speak to that?

**Hon. Trevor G. Moniz:** Mr. Chairman, the Minister spoke to clause 7 there. One of the concerns was at the latter part of it which speaks to the Registrar General's power to order a charity to wind up its affairs and all the various things. There do not seem to be any punitive measures set out there in terms of an offence to say, *Well, I will order you to do this. If you do not do it you have committed a criminal offence and you will be liable on prosecution to go to court and go to prison.* So, it just seems to lack teeth. So, there is the power of the Registrar General to make the order for the charity to wind up its affairs and order the transfer of the charity's remaining assets, but what if they just do not do it?

**The Chairman:** Any further speakers?  
Minister, any response?

**Hon. Kim N. Wilson:** Yes, I want to just . . . I am trying to get the answer to that. I believe that the offence is actually . . . or, sorry, the provisions that provide the

penalty for this offence is in the Charities Act itself. But I am going to seek some guidance in just a moment.

**The Chairman:** Any further speakers?  
Minister, are you—

*[Pause]*

**Hon. Kim N. Wilson:** Modern technology.

*[Laughter]*

**Hon. Kim N. Wilson:** So much for “modern”!

*[Laughter]*

**Hon. Kim N. Wilson:** Ah, yes. The answer to the Honourable Shadow Attorney General, the penalty is not suitable for something to this regard and the penalty is already in place, that being cancellation. So, the charity effectively loses its status and they become cancelled. So, therein lies the penalty.

**Hon. Trevor G. Moniz:** But the difficulty is, you know, they lose their status as a charity, so you still have a group of people with a bank account open, they have money in the bank account and now they are no longer a charity. I mean, this is what we went through with a Committee of 25. They were a charity, they were asked to produce their accounts, they failed to produce accounts, they were de-registered. They simply kept doing business as a private entity. They were no longer a charity and they just kept on operating. So, you know, that is exactly the situation.

So, you may not be able to deal with it on the floor at the moment. I just raise it as a concern.

**The Chairman:** Thank you, Honourable Member.  
Minister?

**Hon. Kim N. Wilson:** Thank you. Just in an extension to the question as was read in the Statement and as we have seen in actual recent cases with respect to charities, the Registrar General would then thus have the power to take the money from that charity and apply it to another charity that has the same aims and objectives of the charity that just received its cancellation.

**Hon. Trevor G. Moniz:** Yes, but . . . if I might address that?

And I accept that this is sort of a civil thing, but when you are dealing with money, our experience is that the Registrar General may need more teeth than that, in order to get people to do things because normally what people do, if they think there is the opportunity, is they just do nothing and he will go away. And going through the court system may take years.

So, it is just, he may need more teeth. That is all I am suggesting. Thank you.

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

Thank you for those comments. I think I can add that the penalty, obviously, for the charity would be that if they continued to operate when they do not have charitable status, then it is unlawful. But I take the Learned Honourable Shadow Attorney General's points and will take that on board.

Mr. Chairman, may I continue by moving clauses 9 to . . . excuse me, where do they end off? Is it 9? Can I—

**The Chairman:** Has the amended clause been agreed to?

Any objections to the amendments?

**An Hon. Member:** No.

**The Chairman:** There appear to be none.  
Continue, Minister.

*[Motion carried: Amendment to clause 7 passed.]*

**Hon. Kim N. Wilson:** Yes, I would like to now move, Mr. Chairman, the remaining clauses . . . clauses 8 through 11, and there is an amendment at clause 10.

**The Chairman:** Continue.

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

Clause 8 amends the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 to define certain terms relevant to casino gaming, to strengthen the customer due diligence requirements to specify the range of information to obtain in relation to legal persons, companies, partnerships, et cetera, and legal arrangements, trusts, to require CDD (customer due diligence) to be conducted on persons purporting to act on behalf of a customer—for example, in situations involving powers of attorney—and to ensure that they verify that they are in fact so authorised, and also to clarify the language in the provision that stipulates when not to conduct CDD to avoid tipping off customers—all in order to fully comply with recommendation 10 of the FATF standards.

This clause also seeks to improve the provisions concerning the AML/ATF controls for casino gaming operations such as strengthening the controls in relation to the timing of verification of the identity of patrons of casinos and in relation to the opening and operations of patrons' accounts. Additionally, the amendments will expand the activities and transactions that are prohibited from being undertaken within a casino so as to strengthen AML controls. For instance, the following activities are added to the prohibited list: the placing of bets on behalf of third par-

ties; the use of safety deposit or credit facilities by patrons who do not have a valid patron account; the acceptance of more than one currency during any single transaction; payment out in a currency other than the currency of use during the transaction; placing of bets by a patron whose identity has not been proven; and finally the provision prescribes the circumstances under which a casino operator is obliged to undertake enhanced due diligence on a patron or transaction and the conditions for the application of risk-based measures. These amendments will more closely align the provisions with the FATF requirements for casino gaming and, in some cases, exceed them in order to match AML/ATF best practises established by highly reputable casino gaming jurisdictions. Implementing best practises that exceeds the FATF requirements in some cases is vitally important in order to ensure that Bermudian banks retain correspondent banking relationships after casino gaming is established here as correspondent banks require assurance that Bermuda's casino gaming product will adhere to these more rigorous standards to minimise the risk to correspondent banks.

Clause 9(c) of the Bill requires . . . excuse me, regulation 9(1)(d) by deleting "AML/ATF" and substituting the words "money laundering or terrorist financing."

Clause 9 amends the Charities Regulations 2014 by prescribing the threshold for reporting by charities as \$50,000 instead of the \$35,000 that is currently in place. The amendment also gives a discretion to the Registrar General to exempt a charity that is above the prescribed audit threshold from having to file audited financial statements if he or she is satisfied that having to submit such statements would cause severe financial hardship to a charity, it might undermine its viability as a going concern, but also if it would not prevent the Registrar from not being able to access the charity's fitness to be registered and if he or she also deems that the charity to be of low risk for money laundering or terrorist financing.

Clause 10 amends the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014 to allow the Registrar to be able to require enhanced reporting for charities classified as having a high money laundering/terrorist financing risk profile and to be able to specify additional details on the activities of such charities that is to be provided in their annual reports to facilitate more focused monitoring of their risk by the Registrar.

Clause 11 is the commencement clause.

#### AMENDMENT TO CLAUSE 10

**Hon. Kim N. Wilson:** Mr. Chairman, the amendment relates specifically to paragraph 3 of the form that was submitted and I have an amendment to the amendment. It is, again, simply a typo. In clause 9(c), that should actually read 10(c) of the Bill, regulation 9(1)(d)

by deleting "AML/ATF" and substituting the words "money laundering or terrorist financing."

Thank you.

**The Chairman:** Any speakers?

No, there appear to be none.

Continue, Minister.

*[Amendment to clause 10 passed.]*

**Hon. Kim N. Wilson:** Mr. Chairman, I now move that the Preamble and the Schedules—Preamble, excuse me—

**The Chairman:** No, you have to move the clauses first.

**Hon. Kim N. Wilson:** Okay. I move clauses 1 through 11, with the amendments.

**The Chairman:** The proposed amendments—any objections to approving clauses 1 through 11?

No objections.

Continue, Minister.

*[Motion carried: Clauses 1 through 11, passed as amended.]*

**Hon. Kim N. Wilson:** Thank you, Mr. Chairman. I move the Preamble.

**The Chairman:** Any objections to the Preamble?

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

**The Chairman:** All Members in favour of the motion please signify.

Any objections to this Bill?

There appear to be no objections.

*[Motion carried: The Proceeds of Crime Amendment (No. 3) Act 2017 was considered by a Committee of the whole House and passed with amendments.]*

**House resumed at 6:24 pm**

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

## REPORT OF COMMITTEE

### PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2017

**The Speaker:** Good evening, Members. Is there any objection to the Bill being reported to the House, as amended?

No objections. Okay, approved.

We will now move on to the next item. The next item is [Order] No. 1 on the Order Paper because we changed around the order. It is the Supplementary Estimates, and the Minister of Finance, Mr. Premier, will lead us on these.

Mr. Premier, you have the floor when you are ready.

**Hon. E. David Burt:** Good evening, Mr. Speaker.

**The Speaker:** Good evening, Premier.

## BILL

### SUPPLEMENTARY ESTIMATE (NO. 1) FOR FINANCIAL YEAR 2017/18

**Hon. E. David Burt:** Mr. Speaker, in accordance with Standing Order 43(4) and 43(5), I move that the Supplementary Estimate (No. 1) for Financial Year 2017/18 be approved as printed.

I ask that we move into the Committee of Supply.

**House in Committee at 6:26 pm**

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

## COMMITTEE OF SUPPLY

### SUPPLEMENTARY ESTIMATE (NO. 1) FOR FINANCIAL YEAR 2017/18

**The Chairman:** Honourable Members we are now in the Committee of Supply for consideration of Supplementary Estimate (No. 1) for the Financial Year 2017/18. There are four items in this Supplementary Estimate to be considered.

I call on the Minister in charge of [Order No.] 1 to proceed.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, this schedule identifies four items totalling \$13,095,124 to be included in Supplementary Estimate (No. 1) for [Financial Year] 2017/18 made up of \$10,651,970 on Current Account and \$2,443,154 on Capital Account.

The Ministry of Finance policy is to place supplementary estimate requests before the legislature just prior to the conclusion of the financial year. However, considering that there has been a change in Government, it is prudent to table a supplementary estimate at this time in order to highlight the supplementary estimates that are the responsibility of the former Government.

Supplementary Estimate (No. 1) [for Financial Year] 2017/18 is a combination of unbudgeted expenditure items. This supplementary request directly

relates to contractual commitments of the former Government for the America's Cup, the World Triathlon Series, the Bermuda Casino Gaming Commission, the Bermuda Airport Authority Capital Grant, and a Memorandum of Understanding for the St. George's hotel development.

Honourable Members will recall that the criteria for determining debatable supplementary estimates requires all items on Current Account to be debated if the total Current Account spend of a Ministry shows an increase of 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, all four items on the Current Account and both capital account items are debatable. I would therefore move approval of the items as follows: Current Accounts 1 and 2 which are all debatable, and Capital Account 3 and 4 which are all debatable.

**The Chairman:** Continue.

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

Mr. Chairman, I am assuming that the Premier—

**The Chairman:** Sorry?

*[Inaudible interjections]*

**The Chairman:** I am sorry. I was wondering . . .

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman.

Mr. Chairman, the requirement for supplementary estimates often indicates unforeseen challenges or unplanned expenses a Ministry or Department of the Government has to meet in any given year. As indicated in the Supplementary Estimate (No. 1), the former Ministry of Tourism, Transport and Municipalities is seeking approval of supplementary estimates relating to the Current Accounts of the Ministry Headquarters in the Department of Marine and Port Services.

Supplementary Estimate (No. 1) also seeks approval for a supplementary relating to the Headquarters Capital Account to enable a capital development grant to the Bermuda Airport Authority. Co-Head 48, Ministry Headquarters—

**An Hon. Member:** Item 1.

## HEAD 48

**Hon. Jamahl S. Simmons:** Item 1, Head 48.

Mr. Chairman, the original operational estimate for the Ministry Headquarters totalled \$39,467,000.

The supplementary estimate of \$4,675,530 represents 12 per cent of the original estimate. The bulk of the Ministry Headquarters supplementary estimate pertains to Current Account expenditures related to the World Triathlon Series, Bermuda Casino Gaming Commission, Bermuda Sail Training Association (or Tall Ships), and the JetBlue cooperative marketing agreement.

The previous Government supported Bermuda's request to host the Triathlon World Championships in the form of three World Triathlon Series [WTS] events in 2018, 2019, and 2020 and to bid on the World Triathlon Series grand final in 2021. It authorised entering into contracts with the International Triathlon Union totalling just over \$12,100,000 in support of the WTS events between 2018 and 2021. The WTS is an annual worldwide series of nine triathlon races that culminate in a grand final. The events are anticipated to generate a total economic impact of \$87,400,000 with each event attracting friends, family, support crew, and technical teams.

In the 2017/18 budget year, payment requirements totalled \$2,885,530. As the budgetary process had already been completed at the time of approval to proceed, the necessary funding was not included in the budget allocation of the then-Ministry of Tourism, Transport and Municipalities. Given the Government commitment, a supplementary estimate in that amount is required.

The Bermuda Casino Gaming Commission (or the "Commission") has been in operation since September 2015. Its funding model is based on revenue from licence and associated fees. As Bermuda does not yet have any casinos, the Commission had intended to rely on a loan for operational purposes. However, it was determined that the legislation and loan agreement as originally devised could be considered structurally incomplete. As a result, the Commission has relied on a series of grants instead. The legislation was amended earlier in the year and the Commission had entered into an interest-free loan agreement with the Bermuda Government.

In the 2017/18 budget year, an amount of \$1,600,000 is to be extended to the Gaming Commission. Again, as the budgetary process was completed prior to finalisation of the agreement, there is no budget allocation for it and a supplementary is required.

In 2017, Bermuda played host to Rendezvous 2017 Tall Ships—sorry, that is incorrect. Bermuda Government pledged to assist the organisers, the Sail Training Association, and the supplementary requested now is in the final amount of \$100,000 to support the host port and Tall Ship contracts.

At the beginning of this year, JetBlue Airways Corporation committed to increasing the inventory of seats into Bermuda from the gateway cities New York and Boston, including serving Bermuda from Logan Airport all year round. JetBlue's commitment is re-

flected in vacation air arrivals out of New York and Boston being on the rise.

Mr. Chairman, while the BTA focuses on inbound vacation arrivals, JetBlue is seeking assistance to ensure that outbound service in Bermuda is similarly healthy. In discussions with JetBlue, the then-Ministry and BTA determined that a local spend would be appropriate to support this important partner. A cooperative marketing agreement was entered into which specifies a marketing spend as broken down as follows: \$90,000 in year one; \$75,000 in year two, and \$60,000 in year three.

The funds will be payable to JetBlue and used for on-Island marketing efforts such as sponsorships, advertising, promotional stunts, buzz activities and promotional materials. The term of the agreement is 1 January 2017 to 31 December 2019.

The cooperative marketing decision was made and agreement finalised after the budget process was completed and therefore a budget allocation was not established. The supplementary requested now represents the first year's instalment of \$90,000.

The total supplementary estimate required for the Current Account of the Ministry Headquarters for the Gaming Commission and three tourism projects is \$4,675,530.

Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?

The Honourable Member Grant Gibbons.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Mr. Chairman, a couple of us are going to speak on some of these issues. But I would like to start with the Triathlon supplementary of \$2.885 million.

The Honourable Member set out some of the issues here. I think just to put it in context, and for the benefit of those in the House, we were approached by the Ironman Triathlon organisation and some other individuals following the very successful October 2015 World Series. So, in essence, the Triathlon opportunity that we have here comes about directly as a consequence of Bermuda's handling—successful handling—of that World Series event. I think as they put it at the time, if you can handle the America's Cup, you should be able to handle a triathlon.

As the Honourable Member said, we essentially were awarded this after we expressed interest in August 2016. The Minister of Tourism went to Madrid in December 2016 and we were awarded the three WTS events in 2018, 2019, and 2020 with the possibility of bidding for the final in 2021.

The Honourable Member talked about the economic benefit to Bermuda, and that was basically a little over \$60 . . . close to \$70 million for the three events, and if we are awarded the finals in 2021, roughly another \$35 million, bringing the whole thing



to something on the order of \$100 million. The exposure is quite extraordinary. It usually gets broadcast to about 162 countries and I think it sort of follows on the heels of the America's Cup as a programme that the Bermuda Tourism Authority, as part of broadening their international sporting events, was very, very supportive of. In fact, they have been intimately involved in a lot of the discussion on it.

Now, I would like to just sort of tackle a couple of issues here. The first is the timing of the event, and the actual first event is not scheduled until April 2018. Honourable Members will be aware, what that means is it actually falls into the next budget year and so, there is certainly, I think, a question mark here as to whether the full amount of \$2.8 million should be expensed in this particular budget year. I suspect that the answer to that is probably no.

I think the other thing that needs to be recognised here is that with the expense of operating the World Series event in April—it is the end of April, actually, 2018—there is also revenue that comes in as well and that was budgeted at something on the order of \$325,000. So, really, what you are looking at here is something that is much closer not to \$2.885 but something which is closer to essentially \$2.5 million.

So, when you look at this in terms of what I will call appropriate budgeting, frankly, we should not be—it would be completely wrong to budget the entire amount, even \$2.885, in this budget year. It should be split potentially between this year and next year. And it would be much more appropriate, in fact, if rather than in his haste to try and point fingers at the former Government, if the Minister of Finance were prepared to leave this supplementary until the end of this budget year which is March 31<sup>st</sup> so that we would have a much clearer figure as to how much was actually spent in this year.

Now, a couple of other points here. I do not think we are disputing the fact that there will be money spent before the actual event at the end of April next year. There are marketing expenses, there is a retainer, as I recall having been very involved with this, for the Ironman group—it is not the Ironman group anymore, but Christian Toetzke and Phil Schmidt to actually manage this. But the fact of the matter is there are also quite a few setup costs which will occur in April of next year. Basically, things like scaffolding, tents, production services. So, I think it would be both inappropriate and essentially an abuse of process to try and budget the entire thing in this particular year.

Let me move on, Mr. Chairman, to the next point which is the Casino Gaming Commission. Again, I think what we are looking at here is an amount essentially of \$1.6 million. As the Honourable Member, the Minister who speaks for Tourism said, this was intended by the former Government to be a loan advance intended to be repaid once the Commission recouped fees and taxes from their fees and licensing. Now, we are all aware that from the very beginning

the Commission was supposed to be self-supporting. It was supposed to be self-supporting on the basis of licence fees and the taxes that it was going to impose. In essence, again, we are moving much too quickly here because as I think all Honourable Members know, the Commission is currently reviewing the Princess Hamilton Hotel application for a casino licence. That application has already been reviewed and my sense is that they are very close, if they have not already done it, I do not know for a fact, they are already essentially close to giving them a provisional licence.

As Honourable Members will know from the Casino Fees regulations, that comes with a fee of essentially \$1.4 million. So, already in this calendar year we have the potential for a \$1.4 million fee. In addition to that, the Princess is obviously keen to be the first out of the blocks. Their application for a full casino licensing fee, again, according to the fees regulation, is \$600,000. So, if you add those two together, and there is a reasonable presumption that those two fees will land in this particular budget year, it will more than cover the \$1.6 million we have here. So, again, I think this is essentially an abuse of process to essentially move forward with this fee now when we can easily wait until the end of this financial year, which is the end of March 2018, and then have essentially an off-setting licence fee for the provisional licence and a licence fee for the application.

I am going to shift now to the Bermuda Sail Training (Tall Ships), the amount of \$100,000. To be perfectly honest, I am a little perplexed here and I am hoping the Minister can explain this one. My understanding was that in order to manage the Tall Ships we were approached by the Sail Training Association. They were effectively given \$400,000 from the Ministry and, in addition to that, they were given \$200,000 from the BTA, for a total of some \$600,000. I do not know whether they have been paid the \$200,000 from the BTA, but my understanding is they have been paid the full amount or pretty close to it, the \$400,000, from the Ministry. I do not understand, frankly, where the \$100,000 is coming from. It just does not make sense in terms of the numbers that were essentially allocated to the Sail Training—the Tall Ships exercise.

I think that Honourable Members will remember that this occurred during the America's Cup. We had the Tall Ships here—a rather spectacular display—and the Bermuda Sail Training did a superb job in terms of managing that with all the other events going on about the same time. So, again, a question for the Minister, not sure where the \$100,000 is coming from. Perhaps he can explain that.

As far as the JetBlue cooperative marketing agreement, I guess I understand the logic there. But I think the former Government would probably assume that the BTA would have picked that up as part of their cost. I will stop there. Thank you, Mr. Chairman.

**The Chairman:** Minister? I am sorry. Any further speakers?

One second, let me recognise the Honourable Kim Swan from constituency 2.

**Mr. Hubert (Kim) E. Swan:** Yes, thank you, Mr. Chairman.

Just a few . . . [I] would like to weigh in a bit on this supplementary estimate as it relates to the Tourism and Transport, the Tourism Development. I will just start with the Tall Ship education, first off, this \$100,000 supplementary. I hope the next time—and I am sure there will be a next time—the Tall Ships come to Bermuda, we would seize the real opportunity that presents itself about education. It is a spectacular sight when you look down at Hamilton Harbour and particularly the ancient town of St. George's Harbour, but if you look at it at night—

**The Chairman:** Minister, we have to stick . . . we are not in general debate, you know.

**Mr. Hubert (Kim) E. Swan:** Yes, I am just speaking to this supplementary that if, in fact, we do have to find supplemental monies, let it be for money well and purposefully spent with regard to the educational opportunity that presents itself. And, if we are not taking the opportunity to tie Tall Ships in to the period in which they served the Earth to its fullest potential, those ships, then we are doing a disservice to our Bermuda people in not providing them the information, the young people in particular and some of us older—me of us older—

**The Chairman:** Minister, again, we are not in general debate.

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

**The Chairman:** We had that already

**Mr. Hubert (Kim) E. Swan:** Thank you.

As it relates to the comments made that this supplementary estimate should not be coming here now, that we should wait, Mr. Chairman, let me say that this is a new Parliament and, as such, as one who formerly held, ran a quango for government, there are six months left in this fiscal year starting October 1<sup>st</sup>. And it makes eminent good sense for the Government having just attained such on July 18<sup>th</sup> to round up all the supplementaries that might have origin in the previous administration so that they do not get confused when we come around to looking at the budgetary estimates, when they come around, and supplementaries that might come forth then.

So, from that point of view, I certainly have to support the fact that the Honourable Finance Minister and Premier felt it not robbery to bring these supplementaries here today, now at this particular time.

With regard to the World Triathlon Series, the \$2.8 million that has been committed, Mr. Chairman, I certainly feel that this would make the case for why an Event Authority would find favour as we look forward. I know persons would say this is the role of the BTA. But let me say that event marketing and—

**The Chairman:** Member, Honourable Member—

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

**The Chairman:** We have already done that in the general debate. We are—

**Mr. Hubert (Kim) E. Swan:** Thank you.

**The Chairman:** —talking about the actual figures.

**Mr. Hubert (Kim) E. Swan:** Yes, and I am talking about the . . . because comment has been made, Mr. Chairman, about the \$2.8 million and whether or not it is money well spent. As a professional athlete by trade, I would never be one to come up here and say you should not be, but the how's and the why's would be better spent from people who are targeted with doing that and zeroing in on those numbers to make sure that they work and putting it in the contents of this budgetary year that we are in now which is the 2017/18 fiscal year. We need to make sure that we fully examine and drill down.

And as I get to take my seat, Mr. Chairman, let me say this, that I am sure that the opportunity might present itself for us to find out more about whether or not these funds are actually committed or will be utilised in this budgetary year or the next.

So, those are my comments on this.

**The Chairman:** Thank you, Honourable Member. You may take your seat.

Any further speakers?

Opposition Leader.

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

Mr. Chairman, I just wanted to underscore that these supplementaries . . . well, three of the four, the Minister indicated that they had been approved after the budget had been completed. Hence, they could not have been included in the budget. And my honourable colleague's comment with respect to whether it was appropriate to have these in this fiscal year which is effectively accounting for this on an accrual basis rather than a cash basis. The concern as to whether any cost overruns are likely to be comingled with what the new Government's responsibility is, is really a nonstarter because there is always the ability to do a specific, separate supplementary.

So, if we can get to February or thereabouts, by which time any of this money will have actually

physically been spent and we are able to determine that there is in fact a legitimate overspend based on what had been previously budgeted, we would then be able to know what the number is. We can always maintain that separately, and if there is anything that requires a supplementary based on post July 18<sup>th</sup>, that can come in as a Supplementary (No. 2). So, there is no possibility . . . or there is no necessity to comingle. We can always keep it separate.

But I think it is appropriate to ensure that the monies have actually been expended. Based on what the Minister has indicated, that is not the case. Therefore, I believe that these supplementaries may be premature. Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?  
Minister—

**Hon. Dr. E. Grant Gibbons:** Actually, Mr. Chairman.

**The Chairman:** I am sorry, yes.

**Hon. Dr. E. Grant Gibbons:** It is all right. Sorry, I know I am right off the port side here.

I guess another two points, and that is basically that my honourable colleague, Pat Gordon-Pamplin, I think to some degree, made this case as well. But the fact of the matter is, if we actually wait until the end of this budget year, which would be normal for supplementaries, because we are still in the same financial year regardless of whether we had an election or not, the fact of the matter is some of these may actually disappear, or they may be reduced to such a low level that there is no need to do a supplementary.

The other point I would like to make is that Honourable Members would be aware that the BTA in its budget for this particular year, which is the 2017/18 year, received an additional \$2.4 million and—sorry, I beg your pardon, \$2.3 million—and that money was given to essentially assist with events. The BTA had an international sporting strategy they wanted to approach. So, some of the money that may be spent—and we do not even know if it will be in this particular year for the WTS, the World Triathlon Series, may actually, or should be picked up by the BTA. Particularly the preliminary amounts here because I know they are providing back office support to help with the organisation. So, it might only be appropriate to have some of this picked up actually directly by the BTA.

Thank you.

**The Chairman:** Any further speakers?  
The Shadow Finance Minister, Ms. Atherden.

**Mrs. Jeanne J. Atherden:** Yes, Mr. Chairman. I think the point that I wanted to make was something that is important for us to remember when we talk about down at the bottom of the supplementary estimate

which says that Ministry Current Account which exceeds the original estimate of the Ministry by either 10 percent or \$250,000, recognising that this talks about the Ministry's entire Current Account. So, if there were savings that the Ministry had during the year . . . that is why in the past people have waited until the end of the year before they determined there is a supplementary.

And I think that is the point that we are trying to make, that savings . . . there have always been, in different areas, something that was unforeseen and then the ministries are having to look and say, *Okay, can we find some savings*. I remember, and I was pleased when I heard the Minister of National Security talking about going out and looking for savings because he knew that he wanted to make sure that his Current Account was balanced. So, I think it is important especially bearing in mind the fact that there are some things which are subject to offset and there are some things here which, if they do not relate to the year under review, then would not normally be in the accounting that the Ministry would have to look at with respect to determining whether their Ministry budget is exceeded by either 10 percent or the \$250,000.

Now, I understand that the Finance Minister might have decided that he wanted to put the marker down to say that the previous Government might have had some of these projects, et cetera. But, if in the end, the Ministry goes over and there is a supplementary, there is still the opportunity to turn around and explain—just like it was explained here—that there was an overrun, et cetera. But, if there is not an overrun, because there were other offsets, et cetera, then it does two things. It proves that the current Government, like other Governments, have had things that came up where they have had to balance off and then made sure, you know, you find some savings.

My only concern is that when you do something like this where you put a big supplementary down like this . . . I worry that there could be a tendency to say, *Well, we got that supplementary there and therefore, we do not have to worry quite so much about trying the balance the rest*, and I am just saying that this would be my concern. And I am sure the people of Bermuda would be concerned, too, because if you have supplementaries and then you still spend all what is in your budget, then you end up having things like having to borrow, et cetera. Nobody wants to borrow. So, those are my observations, Mr. Chairman.

**The Chairman:** Thank you.  
Any further speakers?

The Chair recognises the Honourable Member Leah Scott.

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

I am not going to say much. I just want to say . . . and this is not meant to be chastising or conde-

scending or lecturing. We do know that in the past, the PLP when they were the Government did have some fiscal challenges and so—

*[Inaudible interjection]*

**Ms. Leah K. Scott:** Right? But, what I would just encourage is . . . do you actually really need these supplementals? If you do need them and they are necessary, then I support the request. But, I would ask that you look at them—take into consideration some of the things that we have said, you know, the Casino Gaming licence. If you are going to get \$1.6 million from Hamilton Princess, do you need this supplement?

Take into consideration whether you really need it, whether you need it now, whether it can come at another point and is it fiscally responsible to present it at this time.

Thank you, Mr. Chairman.

**The Chairman:** Thank you. Any further speakers? Minister, the Chair calls upon you.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman.

Mr. Chairman, not to reflect on a previous debate, but the issues raised by the Opposition have been addressed by this House and the Premier and Minister of Finance. He stated categorically his constitutional responsibilities under [section] 96(3) of the Bermuda Constitution, and used that as the justification for doing this now.

This is not the time to try and hide or conceal things. This is a marker down about what we have to pay for and deal with on our plate since we arrived. And I understand the Opposition not being happy about that. But, them's the breaks.

Now, as to the issue surrounding the Tall Ships, I have been advised there were two payments of \$90,000 and \$10,000 for fiscal year 2017/18 that were not budgeted for. Those are the facts related to that. Thank you, Mr. Chairman.

**The Chairman:** The Honourable Grant Gibbons.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Mr. Chairman, I do not think the Honourable Member has given a satisfactory answer to the fact that this is an abuse of process. We are in the same budget year. They are asking for supplementary spending for monies which have not been spent at this particular point, may not be spent, and may be more than covered essentially by either licence fees in the case of the Gaming Commission, or indeed, other sources with respect to the World Triathlon Series.

I think this is something that the new chairman of the Public Accounts Committee should take up with the Auditor General because this is certainly, from my perspective, *ultra vires* to the process of supplement-

aries. And I think I understand the political point. I understand that the Government gets its way. But, frankly, this is the kind of action which will come back to haunt the current Government if they proceed on this basis.

**The Chairman:** Any further speakers?  
Madam Opposition Leader.

**Hon. Patricia J. Gordon-Pamplin:** Yes, I just have one question, and given the Minister's response earlier in terms of what the Constitution requires, my question is, Can the Minister advise us, as of this point in time, as of today with this supplemental, how much of the \$2,885,530 has been spent relating to the World Triathlon Series?

How much of the \$1.6 million to the Gaming Commission has been spent? How much of the \$90,000 for the JetBlue cooperative [marketing agreement] has been spent as of today when we are requesting a Supplemental (No. 1)?

**The Chairman:** Minister, do you want to—

**Hon. Jamahl S. Simmons:** I will make an undertaking to get those answers for you shortly.

**The Chairman:** Any further speakers?

**Hon. Dr. E. Grant Gibbons:** Mr. Chairman, yes, thank you.

So, the Minister has come here today and he cannot even speak to the amount of money which has been spent in those particular categories? I think that is quite extraordinary.

**The Chairman:** Any further speakers? Minister, do you want to respond?

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman. We will conclude there.

**The Chairman:** Okay. It is permissible, regardless of what you think, it is permissible. Go ahead, go ahead.

**Hon. Patricia J. Gordon-Pamplin:** You said it is permissible for him to not answer the question—

**The Chairman:** I understand.

**Hon. Patricia J. Gordon-Pamplin:** —and that I understand that it is his right not to answer the question. I think what is important is that the people of Bermuda need to know that the Minister has failed to come prepared to let us know how much money has been spent that he is asking us to replenish the kitty so that the money is topped up, and he does not know how much it has been diminished by.

I think that this is not just extraordinary, it is poor accounting practices, and it is completely outside of what he should be doing in terms of accountability. If the Government has insisted that they want to be accountable, then he should at least—at the very least—be able to say, *of two point six . . . two point eight, eight five million, five hundred and thirty thousand dollars, we have spent two million eight hundred and eighty five thousand five hundred and thirty [dollars], therefore a supplemental today is appropriate.* I do not believe that money has been spent. In fact, based on what the contracts were, the money may have been committed, but it has not been spent.

**The Chairman:** Be careful.

Honourable Member Lawrence Scott.

**Mr. W. Lawrence Scott:** Thank you, Mr. Chairman.

Mr. Chairman, I understand what the Minister is doing. The previous administration has committed this Government, or committed the country, to spending, in total, \$13 million. So, what the Minister is doing is informing not just this Honourable House, but the people of Bermuda on what the previous administration has committed us to. Whether we have spent that money or not right now is somewhat beside the point. But we need to make sure that we are able to meet any commitments. So, therefore, the fact that you have America's Cup, which was \$4.3 million over budget, when we were told that it was going to be—

**Hon. Dr. E. Grant Gibbons:** Point of order, Mr. Chairman.

**The Chairman:** Yes.

#### POINT OF ORDER

*[Misleading]*

**Hon. Dr. E. Grant Gibbons:** The Honourable Member is misleading the House. Not only have we not gotten to this point but his facts are completely incorrect.

**The Chairman:** Honourable Member?

**Mr. W. Lawrence Scott:** Mr. Chairman, this is a supplementary for estimates, right? And that means that this is money that was either outside the budget or, for a simpler matter of fact, put us over budget. And if \$4.3 million is on this sheet of paper—

**The Chairman:** Honourable Member, we are speaking on Head 48.

**Mr. W. Lawrence Scott:** Okay. I will speak to Head 48. Thank you for your direction.

So that means that we are basically . . . we have \$2 million, \$1 million, \$100,000, so you are looking at, let us say, roughly \$4 million over budget,

which predicament the previous administration put us in. All right? Therefore, what needs to be understood is that the Minister is doing his constitutional responsibility and not just informing the people, but letting them know the accountability of the former Government, a Government which ran on principles of being the ones who could run this country like a business.

**The Chairman:** Honourable Member, stick to the—

**Mr. W. Lawrence Scott:** Thank you, very much. I am sticking to it.

So, therefore, I think that for us, what we need to make sure of is that we are able to meet our contributions or our commitments as a country and as a Government to this, and this is a good time to bring it to this House now.

**The Chairman:** The Honourable Opposition Leader, Mrs. Gordon-Pamplin.

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

Mr. Chairman, it is unfortunate that the Honourable Member fails to grasp the principle of what is required, because when you get through to the whole complete financial year you may have offsets. You will have revenues that will come in. You will have a bottom-line number that will not equate to the number that is being asked for. So it is basically like going to your boss and asking him to give you \$8.2 million today, but never mind the fact that next year is when we are actually going to need to spend that money out, and you are going to need to put it into the budget for next year, because that is when it is going to be spent.

So, I think that there is a fundamental misunderstanding as to what is entailed in this budgeting process and the purpose for which we are requesting supplementaries. So the money is not spent. It may be a contractual arrangement that has been made for these four amounts. And we are not disputing that. What we are saying is that when you ask for supplemental, it has to be done against the backdrop of all of the accounting having been done. And when all of the accounting is done, I think my understanding already is that within the first quarter of accounts the revenues are up and expenses are down. So that would basically say that there would be extra money at the end of the [AUDIO SKIP 5:04:38] against which some of these expenses will be able to be offset. So, I think that it is premature, irrespective of how we want to frame it. From an accounting perspective, I do not believe that the approach is correct.

**The Chairman:** Okay, let's be clear now, House. We are not going to be here all night repeating ourselves. I have heard that many times. All right?

Minister, do you want to continue?

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman. The Gaming Commission, we just transferred the last \$800,000, and from here on out they will have to rely on their revenues. As it relates to the other, the matter of the triathlon, the BTA has already entered into the contract and has paid \$1.4 million taken from the BTA grant. The second payment from the BTA is due before fiscal year end; therefore, we will need the funds replaced.

**The Chairman:** Any further speakers?

**Hon. Patricia J. Gordon-Pamplin:** Just for clarity.

The Honourable Member indicated that \$1.4 million has been paid out of the BTA grant, so that is not going to come out separately out of the consolidated fund? I am just trying to understand what he said.

**The Chairman:** Minister?

**Hon. Jamahl S. Simmons:** It has been taken from the BTA grant.

**The Chairman:** Any further speakers?

**Hon. Dr. E. Grant Gibbons:** Yes, Mr. Chairman.

**The Chairman:** Go ahead.

**Hon. Dr. E. Grant Gibbons:** The \$1.4 million that has already been spent on the World Triathlon Series seems like an extraordinary amount, given the fact that it is not until next April, and that there are going to be all kinds of charges that are going to be set up. So I just find that a very hard number to believe. It clearly is way over budget if it is going to run at that rate from now until next March.

**The Chairman:** Minister?

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman. The Honourable Member, if he had perhaps stayed around a couple of more months later and if his Government had been successful at the polls, would recognise that the bulk of the spending is going to be spent in the first year in the initial setting up of the events.

**The Chairman:** Any further speakers?

Minister, do you want to move the Head, please, that item?

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman. I move that Head 48 be now approved.

**The Chairman:** Any objections to item 1, Head 48?  
There appear to be none.

*[Motion carried: Head 48, Ministry of Economic Development passed.]*

**The Chairman:** The next is Head 30. I call on Minister Roban.

### HEAD 30

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

Mr. Chairman, the requirements for supplementary estimates are to indicate unforeseen, unplanned expenses, which a ministry or department of government has to meet for any given year. In the 2017/18 budget year, the former Ministry of Tourism and Transport and Municipalities was seeking approval for a number of supplementary estimates relating to its current and capital accounts. I will speak to the current accounts supplementary for the Department of Marine and Ports, Head 30, and later, the capital accounts supplementary for the Bermuda Airport Authority, Head 65.

Mr. Chairman, for the fiscal year 2017/18, the Department of Marine and Ports received an operational budget allocation of \$20,097,138. The supplementary estimate of [\$1,674,440] represents 8 per cent of the original estimate.

The addition of the America's Cup event ferry boat schedule which operated in conjunction with the full ferry service schedule, plus the running of the many ferries all but exhausted the Department's budget allocation in the areas of fuel, inventory, and overtime. This is because funding needed to support both the America's Cup and the ferry had to be taken from budget allocations already assigned to fuel, inventory, and overtime.

With respect to the America's Cup, the Department operated a total of nine ferries at the weekend, compared with the normal schedule of four weekday ferries and two weekend ferries. The additional list caused an excessive burden on the Department's budget which did not have additional funding to cover the America's Cup event costs.

With respect to the *Millennium* ferry, the Department was allocated \$862,000 towards the ferry contract. However, actual costs will be \$1.5 million for the six-month period. This amount consists of the ferry's base contract price of \$1.250 million together with international crew travel costs, housing, fuel, and vessel delivery fees. To meet a contractual instalment payment plan due in June of this year, the Department transferred funds from the fuel, inventory, and overtime cost centres. It is these very areas that are now impacted by the budget shortfall.

Mr. Chairman, specifically as a result of the expenses associated with the America's Cup and *Millennium* ferry, Marine and Ports requires additional funding for the following: fuel, \$551,000; ferry and tug services overtime, \$725,440; inventory, \$400,000, for a total supplementary required for the current account

of the Department of Marine and Ports, Head 30, is \$1,674,440.

**The Chairman:** Thank you.

Any further speakers?

The Honourable Dr. Grant Gibbons.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman. I have you looking my way now.

**The Chairman:** Yes.

**Hon. Dr. E. Grant Gibbons:** Yes. The first comment I want to make, Mr. Chairman, is that I hope everybody notices the fact that there was some \$725,000 that was spent on overtime. So much for the theory that the America's Cup did not help blue collar workers; that is an extraordinary contribution to blue collar—

*[Inaudible interjections]*

**The Chairman:** Honourable Member, Honourable Member, let's speak to the specifics of Head 30.

**Hon. Dr. E. Grant Gibbons:** I just wanted to make that point.

I worked out, if you look at about 70 employees . . . that works out to over \$10,000 extra apiece. But I will let the Minister tell me whether I am on the money or not.

Mr. Chairman, what is not entirely clear here is what time period we are looking at. Is this from the beginning of the year (in other words, from the beginning of April through the end of June)? Are we talking about the whole quarter? Are we talking about just the period around the America's Cup? Are we talking about just the . . . let me step back for a second.

I think, Mr. Chairman, as you know there were two types of ferry services that were being offered. In fact, you made a point in the questions the other day. There was the online booked ferry service, where, as far as we knew, there was something on the order of about 62,000 bookings that were made. In the House the other day you made a point about some 67,000. So I think we are referring mostly to the online booking. So there were offsetting revenues involved with that as well.

I guess the question for the Minister is, Is it just the online booked, the extra ferry service, that took so many of those people off the road and onto the water, which I think helped the event out to an extraordinary degree? Or are we also talking about the ferry service in relation to the normal ferry service where extra runs were put on?

So, what is the period that we are talking about here? Is it just the month around America's Cup for the five weeks? Is it from the beginning of the year as well? Are we talking about the online book service? Or are we talking about the online book service and

the regular ferry service as well, to Dockyard, which also served the America's Cup? I am trying to get an understanding of that.

And then, what about offsetting revenue? Because, clearly, if there is additional revenue, which there would have been, and I think you even cited a number of over \$600,000, then, clearly, that should essentially be offset against the revenue . . . sorry, the cost that we have here.

**The Chairman:** Any further . . . the Honourable Opposition Leader, Mrs. Gordon-Pamplin.

**Hon. Patricia J. Gordon-Pamplin:** Thank you, Mr. Chairman. I just have a question if the Minister would be good enough to explain. What is the nature of "inventory" items? We are talking about \$400,000 for "inventory." I understand fuel, and I understand overtime. I do not understand "inventory," if he would give us some indication.

**The Chairman:** Any further speakers?

Minister, do you want to respond to that? Okay, the Honourable Member, Michael Scott.

**Hon. Michael J. Scott:** Thank you, Mr. Chairman.

We will recall responding to the Member for Paget . . . we will recall in this House, before the House dissolved, that the Honourable then Acting Minister of Education stood in this House and urged the country to take the ferries as opposed to trying to get buses. This was being driven by the fact that the buses were slowly falling off of the perch and in connection with the question as to whether the bookings represented online matters. I attended America's Cup on one occasion, with several guests. All of these bookings were online. I would venture to say that the level of online bookings was predominately the choice of the persons who attended the America's Cup. I am sure that the Minister of Transport will have greater precision, I trust, to that question of online booking.

I am sure that the Honourable Member Dr. Gibbons is aware of how the motion of ocean and the floating of the boats were taking place. He was then Minister and attending these events. The time period I am sure we are going to determine . . . it seems almost a rhetorical question. I mean all of this would have taken place, Mr. Chairman, during the period of America's Cup, that month period. And I am sure that is what we are going to determine.

But back to my point, we were invited by this House by the then Acting Minister, Mr. Simons, to defer to taking the ferry because it was actually indicated that the buses were not going to be able to absorb the capacity.

**The Chairman:** Any further speakers?

The Honourable Scott Simmons.

**Mr. Scott Simmons:** Thank you, Mr. Chairman.

The one challenge that I am having with all of this, and so I am struggling to understand, is where the former Government was with this one, in that I do believe there were announcements as it relates to the America's Cup long in advance. I think there was a committee formed. I think there were individuals who fashioned themselves as being aware and ready to go ahead with it. What I am concerned about is this: If it relates to this particular supplementary, why did it not show itself before this? I may stand to be corrected, but why did it not show itself in previous budgets, in at least one, that would have signified that this could have been taken care of rather than being a supplementary for this time?

I recognise that there are things that happen along the way when you do have projects like this. But there should be been a lot more forward thinking and there should have been a lot more work that should have been done to cover this so you would not have—

**The Chairman:** Honourable Member, I am being very lenient with you.

**Mr. Scott Simmons:** Thank you, Mr. Chairman.

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

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

As it relates to the question about the \$725,440, that represents not just the America's Cup, but the cost of also running the ferries as well from the regular runs, which I stated in my Statement, and the additional runs, and money had to be taken from those cost centres of which had to make extra money to pay for that. Those monies, that \$725,000, represent running not only the America's Cup. So no one is trying to tie this all in with the America's Cup, but also the additional requirement to run the *Millennium* ferry and the rest of the fleet during that period of time.

**The Chairman:** Honourable Opposition Leader.

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

Mr. Chairman, the Honourable Member's response is not very helpful, given the presentation on the supplementary, which is Head 30, current account, America's Cup, colon, and the three items relating to America's Cup. So if there is a breakout of something that is not related to America's Cup, can we please have the breakout of the number that is related to America's Cup and that which is not related to America's Cup so that we understand what supplementary it is that we are actually approving?

**The Chairman:** Honourable Minister?

**Hon. Walter H. Roban:** I said very clearly in my Statement to support these budgets that the addition of the America's Cup event ferry boat schedule, which operated in conjunction with the full service ferry schedule, plus the running of the *Millennium* ferry. All of this was the cost related to us running all of those, not only the regular schedule, but the additional schedule and the *Millennium* ferry, of which the additional money was not provided to run it for its full cost.

**The Chairman:** Any further—  
Dr. Gibbons?

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Mr. Chairman, I do not have to say this, but I have to say that this was money well spent. It contributed significantly to the smooth running of the event, getting people to go by water. And I think I have to say that my hat is certainly off to the ferry and tug people who dealt with not only the passengers, the many spectators, but also to many of the additional ships that came in.

I do not think the Minister actually commented on this very round number of \$400,000 for inventory. And before I take my seat, in answer to the question from the Honourable Member, [Scott] Simmons, about lack of prior planning, I think those that were involved in this would be rather horrified by that. There actually was a very detailed Memorandum of Understanding [MOU]—

**The Chairman:** Honourable Member, Gibbons—

**Hon. Dr. E. Grant Gibbons:** Yes.

**The Chairman:** The specifics of the budget.

**Hon. Dr. E. Grant Gibbons:** Yes.

**The Chairman:** Your comments . . . we shut down Simmons, we have to shut you down.

**Hon. Dr. E. Grant Gibbons:** I was just saying there was a very detailed MOU which dealt with the relationship between the ACBDA and Marine and Ports, which basically dealt with expenditure.

**The Chairman:** Any further speakers?  
Minister?

**Hon. Walter H. Roban:** Thank you.

In addressing the point concerning the question about inventory, the reason why the \$400,000 cost of inventory . . . that has to be money replaced. We had to take money from the inventory because of the shortfall not being provided for the contract for the *Millennium* ferry. We took money from where we had it, in inventory, that we had not spent and paid to deal



with the *Millennium* ferry contract in particular. So that is what that \$400,000 represents; money that we took from one place in our budget and paid for something else of which we had an obligation to pay.

**The Chairman:** Thank you, Deputy Premier.

Any . . . the Honourable Shadow Finance Minister, Atherden.

**Mrs. Jeanne J. Atherden:** Mr. Chairman, I guess my question then relates to if the monies were taken from the inventory budget because, presumably, at that point in time there was, if you will, some extra in the budget, then I guess my question becomes, At this point in time, has the Ministry determined that they will not be able to go to the end of the year with that budget?

Because under normal circumstances you would wait and if you had the money in there to take it, you are taking the money because you believe that you do not think you are not going to spend it. So if they do not use it all up then there might not be the need to have a supplementary and, therefore, move that money.

**The Chairman:** Any further speakers?  
Minister.

**Hon. Walter H. Roban:** Mr. Chairman, I am not coming here to ask for these funds because it is imaginary. It is not an imaginary request. This is money that is not available to the ferry service right now. It cannot continue to be able to reach the rest of the fiscal year because we took money from other very essential areas to cover an obligation that we had to make for the commitment of the people of Bermuda which was done well. We had to take money from other parts—inventory, fuel, and what is listed here—to pay for that. Those areas are now depleted. To make it through the rest of the fiscal year we need to have the additional supplementary funds. That is what our people and team in Marine and Ports are telling us. These are real monies that are needed to ensure that we can run the ferry service as expected, the regular ferry service, as expected for the rest of the fiscal year.

**The Chairman:** Any further questions?

No further questions? Minister, do you want to move that item Head, item 1, Head 30?

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

I ask that Head 30 for Marine and Ports for the supplementary year 2017/18 be moved.

**The Chairman:** Any objections?

There appear to be none.

*[Motion carried: Head 30, Ministry of Marine and Ports passed.]*

**The Chairman:** We can do Head 95.

Minister responsible. Item 2, Head 95. Minister of Economic Development.

## HEAD 95

**Hon. Jamahl S. Simmons:** Thank you, Mr. Chairman.

For the Ministry Headquarters, the Ministry of Economic Development, the Supplementary Estimate is for \$4.3 million to deal with the America's Cup sponsorship guarantee, which we will recall, this amount had to be budgeted as a result of failing to take advice on the amount that should have been budgeted for the America's Cup sponsorship.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Grant Gibbons.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

I think it would be useful to just provide a little bit of context here, because I think people listening probably do not have any sense of what this is. But way back in December of 2014 we explained very clearly that in order to be taken seriously we needed to be able to put sponsorship money out to essentially make a viable bid for the America's Cup. And there were two parts to that.

The first part was essentially the initial bid, which happened early in 2014. And that was \$15 million. We knew that had to have at least that kind of sponsorship to be able to get into the game. As we get further into the year 2014, you will remember the announcement was made in December. We found ourselves up against some pretty heavy hitters, San Francisco, San Diego, Chicago, and others. And it was pretty clear at that point that we had to up the ante.

So, as a consequence, rather than putting in additional funds directly, what we did was we said that we would undertake a guarantee of \$25 million in addition to the \$15 [million]. And that \$25 million was somewhat special in the sense that we could recoup some of that by introducing sponsorships. So what we are talking about here specifically is that \$25 million guarantee.

I think I have explained before that, essentially, that guarantee was going to be reconciled in August of this particular year. In fact, it was. So, we are quite prepared to pay the full \$25 million, but anything that reduced that \$25 million would certainly be a win and would reduce the amount of money that Government had to spend against the overall sponsorship, which would be \$15 [million] and \$25 [million], or some \$40 million. We were successful, as you know, in reducing that guarantee by essentially the amount of \$5.7 million by sponsorships that we introduced.

Back in January of this year we had to make, essentially, an educated guess as to how much that \$25 million would be reduced by. The budget number was \$15 [million]; it came in, essentially, at \$19.3 [million]. So what we are looking at is the difference between what was budgeted back in January, which by any standard was a guesstimate, we are perhaps something on the optimistic side, it did not work out as quite that much of a reduction, which would have been \$10 million. It worked out closer to \$5.7 [million].

But, in essence, it would have been very difficult back in January to give a precise number on that reduction because many of these sponsorships had performance related elements to them. In other words, the sponsorships that Goslings gave would have been reduced by selling additional bottles of rum. Vineyard Vines was another one where it was based on the performance of sales. In addition there were other factors involved with gate receipts and others which we would have got to help recoup against that \$25 [million].

So, in January, when the budget was put to bed, our best guess was \$15 [million]. To suggest somehow that we had advice that it should be \$18 [million], which is what I believe the Honourable Premier said, and perhaps the Minister reiterated, simply was not the case. The ACBDA would never have given a precise number. They did not know really what it was either. We had quite a bit of discussion about this.

Certainly, \$18 million, as a number that was suggested to me, is news to me. When I checked, frankly, with the CEO, it was news to him as well. So I do not know where the \$18 million number came from. I think it would be fair to say that there is certainly discussion about it. We took, I will say, what I will call a reasonable number in \$15 [million] and now we are looking at the difference between \$15 [million] and the number it actually got reconciled at, at \$19.3 [million].

I think the other really important point to mention here is that not only is this below budget, and to put it in a context that Members on that side will understand, not only are we not up to \$77 million, we are actually much closer to \$71 million as a consequence of this reduction. But there was also sufficient surplus, considerable surplus, in the ACBDA budget—over \$8 million—that will more than cover this particular technical overspend, as it is being referred to.

In fact, there is sufficient surplus money in the ACBDA budget to cover not only this, but also the ferry supplementary we just talked about, and also the World Triathlon Series. And that is a consequence of very prudent budgeting by the ACBDA and everybody else. So, in point of fact, we do not need. . . the Government knows full well that we do not need to find additional money here because it sits very nicely within the ACBDA, which is about to be wound up fairly soon as I understand it. Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?  
The Honourable Premier.

**Hon. E. David Burt:** Thank you, very much, Mr. Chairman.

Mr. Chairman, I just wanted to comment as the former Minister took his seat, the former Minister of Finance, because, clearly, we understand the requirements of the Constitution and why we have to do what we have to do coming up here. But I find it absolutely incredible that that former Minister would take his seat recognising that we are talking about this \$4.3 million and say that he does not know where the numbers came from. Well, let me enlighten him.

As a former Minister of Finance he should know when budgets are put together, technical officers give advice, and the advice was given that the former Government should have budgeted at least \$18 million. Unless he is telling me that the Financial Secretary is lying to the Minister of Finance.

**The Chairman:** What is your point of order, Dr. Gibbons?

**POINT OF ORDER**  
*[Misleading]*

**Hon. Dr. E. Grant Gibbons:** The point of order is that the Honourable Member is misleading the House. I never spoke to the Financial Secretary about this particular amount. He certainly never gave any advice to me as to *at least \$18 million*, and when I discussed it with the Minister of Finance at the time he was quite comfortable with \$15 million.

**The Chairman:** Carry on, Mr. Premier.

**Hon. E. David Burt:** And here is what I am going to say, Mr. Chairman. The reason why we are here is because, clearly, they did not want to show how much it was actually going to cost before the election. That is the reason we are here, and it is very simple. And that is the reason why.

So, when we have this \$4.3 million supplementary for a \$19.3 million guarantee where the former Government only budgeted \$50 million. That is the reason why we are here. They were given advice that the minimum they should have budgeted was \$18 million. They decided to be optimistic and say, *Oh, we're going to get to \$15 million and reduce it*. They were wrong. That is the reason why we are here. It is a very simple thing. So, when we look at this \$4.3 million figure, it should have been \$1.3 million, but nonetheless, we would have been here for a supplementary because they ignored advice and that is why we are here.

The facts remain, \$19.3 million. What do we have? We have many different things that I am going to make sure I stay on the wicket and say the \$4.3

[million], because I do not want to talk about the \$40 million empty island that we are paying \$325,000 worth of interest on per month.

**The Chairman:** Any further speakers?

**Hon. Dr. E. Grant Gibbons:** Mr. Chairman, the Honourable Member was not there during those discussions. He certainly does not know. The Financial Secretary would have had no better advice than those of us who were more closely involved with it, which were the ACBDA and myself who were very involved with the sponsorship. He could not have given advice that it should have been at least \$18 million because he would not know. And, as I have said before, at that particular point no one really knew what it was going to be. We knew it was going to be below \$20 million. We perhaps took a slightly optimistic look at it at \$15 [million]. I will admit that. Slightly optimistic. But the fact of the matter is there was no advice at \$18 [million], because no one could have put their finger on such a precise number at that point because of the complexities of the sponsorship clawback arrangements.

Anyway, the point is that we came out wonderfully ahead, we are way below the \$77 million, when we add it all in, and I think that is a testament to the wonderful job of ACBDA, others and the Ministry did. Thank you.

**The Chairman:** Any further speakers?  
Honourable Premier.

**Hon. E. David Burt:** Mr. Chairman, the only place where \$71 million plus \$3 million for a house for a VIP suite for the Government, plus \$40 million for an empty island is less than \$77 million is in the head of the former Minister of Finance. It is not reality, Mr. Chairman.

*[Desk thumping]*

**The Chairman:** Any further speakers?  
The Honourable Leader of the Opposition.

**Hon. Patricia J. Gordon-Pamplin:** Just for clarity, Mr. Chairman, the \$77 million which was deferred earlier was not with respect to the Moresby House, which actually still remains part of government assets, or the \$40 million relating to Cross Island, which also remains an asset of the Government, or with WEDCO. However, we are talking about what was referred to specifically, the \$77 million relating to the America's Cup commitment.

**The Chairman:** Any further speakers?  
Minister, do you want to continue?

**Hon. Jamahl S. Simmons:** Mr. Chairman, clearly, somebody is being economical with the truth here. Our technical officers—

**The Chairman:** Minister, I am satisfied . . . will you move the item if you are prepared?

**Hon. Jamahl S. Simmons:** I am guided by your wisdom, Mr. Chairman.

**The Chairman:** Go ahead.

**Hon. Jamahl S. Simmons:** I move that Head 95 be moved.

**The Chairman:** Item 2, Head 95.

Any objections to item 2, Head 95, being approved?

No objections.

*[Motion carried: Head 95, Ministry of Economic Development passed.]*

**The Chairman:** We are going to item 3, Head 65.

### HEAD 65 (Item 3)

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

With respect to Supplementary Estimate (No. 1), the former Ministry is seeking approval for a supplementary related to the Ministry Headquarters, capital account, for capital development by the Bermuda Airport Authority.

Specifically, as part of the Airport Redevelopment Project, the Bermuda Airport Authority [BAA] is responsible for certain retained government services. One such service is the weather radar. As many mariners will know, the weather radar has been in inconsistent service for extended periods. Attempts have been made to repair it, without long-lasting success. As a result, the BAA requires funding towards a new weather radar system.

In the transition from the Department of Airport Operations to the BAA, an allocation for weather observation fell away at the end of the fiscal year. A supplementary in the amount of \$253,154 is requested.

Thank you, Mr. Chairman.

**The Chairman:** Thank you, Deputy Premier and Minister.

Any speakers?

Hon. Dr. Grant Gibbons, you have the floor.

**Hon. Dr. E. Grant Gibbons:** Thank you.

I am not sure why I am doing all these, but the fact of the matter is, I am on my feet.

Thank you. I appreciate the Minister's comments on this one. I do not think there is a dispute on

this. I think as the Honourable Member may have mentioned, there was actually an amount for \$370,000 in the last fiscal year that was allocated for capital for the Bermuda Radar, the Doppler system. And that fell away. So I think part of what we are dealing with here is an issue of timing.

As we all know, a lot of us depend on this, particularly if you are on a bicycle, Mr. Chairman. You often want to look at the radar if it is suggesting that a shower is coming. So I assume that the \$253[,000] will get it back into shape for the time being.

I guess the question that I do have is, Are there plans afoot to replace the thing so that we do not have what I will call, continual outages, which I think has been a nuisance, not only to the weather people down there, but to everybody else as well. So are we going to replace it or not?

**The Chairman:** Any further speakers?

Minister, will you . . .

**Hon. Walter H. Roban:** Mr. Chairman, as per my Statement, this is money towards a new weather radar, not repair—towards a new weather radar.

**The Chairman:** Any further . . .

Minister, you want to move that item and the Head please?

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

I move Head 65, as part of Supplementary Estimate (No. 1) for fiscal year 2017/18.

**The Chairman:** Any objections to that?

There appear to be none.

*[Motion carried: Item 3, Head 65, Ministry of Transportation passed.]*

**The Chairman:** We will go onto item 4, Head 65.

Minister Burch.

#### HEAD 65 (Item 4)

**Lt. Col. Hon. David A. Burch:** Mr. Chairman, the Ministry of Public Works has two departments, Public Lands and Buildings, and Works and Engineering, included in Supplementary [Estimates] (No. 1) for the financial year 2017/18.

In the case of Lands and Buildings, the unbudgeted sum is in the amount of \$290,000; and Works and Engineering, the unbudgeted sum is in the amount of \$1.9 million. The total for the Ministry of Public Works in Supplementary Estimate (No. 1) for the financial year 2017/18 is \$2.19 million.

Mr. Chairman, the supplementary funding for Public Lands and Buildings is required to complete the relocation of the mail processing facility from the L. F. Wade International Airport to the New Venture

[House] located at Mills Creek in Pembroke. The following is a breakdown of the cost of the relocation: six-months rent at \$25,409.83 per month, totalling \$152,458.98; six-months service charge at \$9,414.00 per month, totalling \$56,484.00; IT relocation costs of \$6,750.00; air-conditioning improvements of \$41,500.00; trucking, \$8,000.00; new security system, \$10,317.40; installation of loading bay lift, \$12,000.00; signage, \$1,500.00.

In addition to the above work, there is a further \$146,660.00 being spent by the landlord to fit out the space to meet the requirements of the Bermuda Post Office [BPO] and HM Customs [HMC]. This includes construction of a secure HM Customs area and all electrical, IT, and network connections based on the BPO and HMC layout. The lease is for a five-year term from the first of October 2017. However, there is a minimum term of three years and the lease can be terminated at any time on or after the first of October 2020 (the third year).

Should the lease be terminated prior to the full term of five years, Government will be required to repay on a pro-rata basis the portion of the landlord's fit-out cost. This is calculated by straight line depreciation, i.e., each month. After the third-year anniversary that Government remains in occupation the total amount decreases by \$6,110.83 per month. No funds were budgeted for this project in the 2017/18 budget year.

Mr. Chairman, the supplementary funding for Works and Engineering was required for commitments that the former administration made with Hotelco Bermuda Holdings Ltd., the developer of the new St. Regis Hotel in St. George's. The commitment was made by way of an amendment to the Master Development Agreement in which the former Government had agreed to complete specific works. The obligations of the Government are as follows: drilling one additional water well on the site of the property and install a generator as back-up ancillary power in the event of power outage, at a maximum cost of \$650,000; construct and pave a new public access road to realign Barry Road and create a roundabout and public parking spaces with adequate lighting and drainage up to an amount not to exceed \$850,000; repair, in as far as is reasonable, non-public access roads in the area of the property, including access roads to Fort Victoria and Fort Albert in an amount not to exceed \$300,000; remove large illegally dumped refuse items in the vicinity of Fort Albert and Fort Victoria as soon as is reasonably practicable. This clean-up is estimated at the amount of \$100,000.

Mr. Chairman, the 2017/18 current account Supplementary Estimates sought for the Ministry of Public Works is \$2.19 million.

Thank you, Mr. Chairman.

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

Any speakers?

There appear to be none . . . yes, the Leader of the Opposition.

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

Mr. Chairman, I obviously did not have first-hand information, but I did seek to get clarity on this relocation move from the then Minister. The information that came to me at the time was that there had been an intent to look at relocating the property from the airport to the Hamilton location, and, hence, there was no intention to rent outside premises because it was recognised that the outside premises would cost additional money. And that determination was made because, apparently, there had been the utilisation of the Hamilton Post Office prior as a temporary site, and, therefore, it was deemed that it would be adequate and appropriate.

So, the \$290,000 that is now being [sought] for relocation, while the Minister has given quite detailed information in terms of what it comprises, it is still difficult to understand the necessity to rent outside space when there is government inventory available that would perhaps be able to be repurposed in order to accommodate this particular facility.

There are some drawbacks, as we listened to the Minister's Statement this morning, in terms of one of the options being a challenge with respect to parking and the like. My understanding was that parking was being looked at. But the bottom line is that the information that the then Minister got from the civil servants, basically at the time, was the concern about parking of the vehicles. And that was being worked on. But it was also determined that that particular facility would be adequate.

So I was just curious because they did say. . . I think according to the Statement this morning, we heard that they are looking for alternative premises other than this \$290,000 property that we landed on, that the Government has landed on, that looking for alternative premises was done early July by the technical officers in conjunction with the then Minister to make sure they would be able to do, not just the investigation of availability, but also to ensure that by the time the facility was required to be moved out of the airport where it was, that there would be ample time. Obviously, as time went on and events overtook that did not happen. But there was never any intention to use anything other than government stock for the relocation. Therefore, the \$290,000, while we understand what it entails, we just question the decision to move the property to that location for \$290,000.

**The Chairman:** I do not think we are going to have any debate on that; we have had enough on that, and the Minister has given much explanation on that. Let's deal with the specifics of the \$290,000. I am okay with it. Yes. But not the reasons why. That has already been explained to this Honourable House.

Any further speakers?  
Minister, do you want to respond?

**Lt. Col. Hon. David A. Burch:** Mr. Chairman, just ever so briefly, that the recommendations that I gave in my Statement this morning were recommendations from the Department of Public Lands and Buildings that were provided to the Minister of Public Works on the 7<sup>th</sup> of July 2017. I did not become the Minister of Public Works until the 20<sup>th</sup> of July 2017. And that recommendation was to move to New Venture [House].

So, with those comments, Mr. Chairman, I move that—

**Hon. Dr. E. Grant Gibbons:** Mr. Chairman.

**The Chairman:** One second.

**Hon. Dr. E. Grant Gibbons:** Yes, I understand where the Honourable Minister is going here, but in fairness, at that point in July the substantive Minister would not have been able to make any decisions anyway. He would have been a caretaker minister. So, the point that you are making clearly does not hold water.

**Lt. Col. Hon. David A. Burch:** The point I am making, Mr. Chairman, is do not suggest to me that they were advised to go into this general post office. The Minister still would have had access to his office and this recommendation even though he would not have been able to make a decision on it. So, do not suggest that the recommendation came only to this Government after the 20<sup>th</sup> of July.

I move, Mr. Chairman, that Head 65 be approved.

**The Chairman:** In item 4.

Any objections to that?  
No objections.

*[Motion carried: Item 4, Head 65, Ministry of Public Works passed.]*

**The Chairman:** I call on the Minister of Finance.

**Hon. Walter H. Roban:** Mr. Chairman, I move that the total amount of Supplementary Estimate (No. 1) for financial year 2017/18 for all the heads that have been moved in the amount of \$13,095,124, be moved.

**The Chairman:** It has been moved that Supplementary Estimate (No. 1) for the financial year 2017/18 be approved by the Committee and report to the House as printed.

Is there any objection to that motion?  
There are no objections.  
Agreed to.

*[Motion carried: Supplementary Estimate (No. 1) for the Financial Year 2017/18 was considered by the Committee of Supply and passed without amendment.]*

**House resumed at 7:49 pm**

*[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]*

## **REPORT OF COMMITTEE**

### **SUPPLEMENTARY ESTIMATE (NO. 1) FOR THE FINANCIAL YEAR 2017/18**

*[Supplementary Estimate (No. 1) for the Financial Year 2017/18 was considered by the Committee of Supply and passed without amendment.]*

**The Deputy Speaker:** I think all of the orders have been . . . oh, I'm sorry. Orders 4 and 5 are both carried over?

*[Inaudible interjection]*

**The Deputy Speaker:** Orders 4 and 5 are carried over.

The third readings.  
Minister.

### **SUSPENSION OF STANDING ORDER 21**

**Hon. Jamahl S. Simmons:** Thank you, Mr. Deputy Speaker.

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Tourism Investment Act 2017 be now read the third time by its title only.

**The Deputy Speaker:** Any objections?  
There appear to be none.

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

## **BILL**

### **THIRD READING**

#### **TOURISM INVESTMENT ACT 2017**

**Hon. Jamahl S. Simmons:** I move that the Bill do now pass.

**The Deputy Speaker:** The Bill is approved.  
Any objections?  
No objections.

*[Motion carried: The Tourism Investment Act 2017 was read a third time and passed.]*

**The Deputy Speaker:** Minister?

### **SUSPENSION OF STANDING ORDER 21**

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

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Proceeds of Crime Amendment (No. 3) Act 2017 be now read the third time by its title only.

**The Deputy Speaker:** Any objections?  
There appear to be none.

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

## **BILL**

### **THIRD READING**

#### **PROCEEDS OF CRIME AMENDMENT (NO. 3) ACT 2017**

**Hon. Kim N. Wilson:** Mr. Deputy Speaker, I move that the Bill do now pass.

**The Deputy Speaker:** Any objections?  
The Bill passed.

*[Motion carried: The Proceeds of Crime Amendment (No. 3) Act 2017 was read a third time and passed.]*

**The Deputy Speaker:** Mr. Premier.

## **ADJOURNMENT**

**Hon. E. David Burt:** Thank you, Mr. [Deputy] Speaker.

Mr. [Deputy] Speaker, I move that the House do now adjourn until Friday, October 20<sup>th</sup>.

**The Deputy Speaker:** Any objections?

*[Inaudible interjections]*

**The Deputy Speaker:** With adjourning to the 20<sup>th</sup>.  
No objections.

*[Inaudible interjections]*

**Hon. E. David Burt:** I move that the House do now adjourn.

**The Deputy Speaker:** The Chair recognises the Honourable Minister, Diallo Rabain.

### RACIST AND DEROGATORY STATEMENT UTTERED IN THE HOUSE

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker.

Mr. [Deputy] Speaker, earlier today there was some sad language used in this House that I think all of us should be very concerned about.

Today we had the eye-opening experience of the Honourable Member, who has left these Chambers, Trevor Moniz, one of the OBA's older white Members, refer to myself as a "boy." This utterance was predictably met with immediate protestation from this side. The fact that this past-middle-age-white male allowed that word to slip past his lips speaks volumes to any person of colour in Bermuda.

Mr. [Deputy] Speaker, it is not some Freudian slip from this over-aged white male of the One Bermuda Alliance. It not only gives us a glimpse of the mind-set of that Member, but serves to present us with an even more concerning issue, the issue that if a white Member has the audacity to speak to a black Member in this House in that tone, we can only imagine how he speaks about us, and us black people in Bermuda, in the comforts of his personal spaces.

Mr. [Deputy] Speaker, a larger issue here is one of greater concern. And that is that the Opposition Leader, an older black woman, when given the opportunity to admonish that Member, only defended him. Her decision—

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

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

*[Misleading]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member is misleading the House. I did not "defend" the comment. I specifically said, *I am not defending the word that was said*. So, the Honourable Member cannot stand there and say that I defended. I did not.

**The Deputy Speaker:** Carry on.

**Hon. Diallo V. S. Rabain:** Mr. [Deputy] Speaker, an apologist by any other name is still an apologist.

The fact that the Opposition Leader essentially told me to, *toughen up, and not be upset by such words*, was more disappointing than the original thing that was said.

Mr. [Deputy] Speaker, I will have that Member know that the days of a black man in this country bowing his head, averting his eyes, or shucking and jiving

for a white man has been past. In 2017, Mr. [Deputy] Speaker, we will not—and should not—tolerate that.

So what I want to say is that what that white Member said was racist and derogatory in its tone, and the Opposition Leader's decision to be an apologist for that language is something that I just cannot accept.

Mr. [Deputy] Speaker, the Opposition Leader is dead wrong when it comes to me and my fellow colleagues on this side. If that is what she feels is necessary to gain acceptance by the white Members of that side, then so be it. But this side will not bow our heads, avert our eyes, or shuck and jive to get acceptance by any white member of this society.

Thank you, Mr. [Deputy] Speaker.

*[Desk thumping]*

**The Deputy Speaker:** Thank you.

The Chair recognises the Opposition Leader, Ms. [Gordon]-Pamplin.

**Hon. Patricia J. Gordon-Pamplin:** Mr. [Deputy] Speaker, I am perfectly capable, willing, and able to accept responsibility for anything for which I am responsible. The Honourable Member obviously either misunderstood or chose to misrepresent what I said when I stood.

However, Mr. [Deputy] Speaker, what I find to be more egregious, as opposed to what the Honourable Member has just stood and said, is that when Members of his team, two weekends ago, stood on the floor of this House and made tremendously derogatory remarks to me, as a black woman, coming from a white man on that side. Let me say, that I, as a black woman do not tolerate comments of a derogatory nature coming from a white man. So I do not need validation by anybody. I have said that before and I will say it again.

I have heard not one word of condemnation coming from any of the Members on that side. So, it is interesting that they can give and it is okay, but they cannot take, *because it is inappropriate*.

Mr. [Deputy] Speaker, inappropriate language is inappropriate language. And when I could stand here and [have] somebody make the kind of comment to me that that Honourable Member made . . . and, you know, I looked very carefully at the Hansard so that I was aware of exactly what it was that the Member said, because I did not want to misrepresent it. Because when I left here on the day, I actually had conversation with somebody and repeated what I thought I heard. When I got the Hansard it occurred to me that what I thought I had heard, that perhaps I had overreacted. The Hansard itself showed differently than what I had actually recounted to the person to whom I was recounting the information.

So, I ended up having to call that person and say, *I retract what I said. But the exact words were*

*this*. There was never a name called. But the inference in terms of Members opposite having a piece of property and you wondered how they got that property, and members of families who were doing things that were not legal, that Member's family members were into drugs and, therefore, *I wonder how that Member got their property*. Did I hear any comments coming back from that side? No!

Maybe they need to show that they have a white Member to show that they are embracing of people, and it is okay for them to accept the fact that their white Member—the one that they have—can speak to me in that kind of manner, and it is okay. So, when Members opposite start to feign indignation, Mr. [Deputy] Speaker, I find it not just offensive, I find it duplicitous and hypocritical. And that is something that I will not tolerate.

The Honourable Member, when he was speaking on the motion to adjourn, basically was speaking to the fact that he will not discuss his personal business with anybody, irrespective of what the circumstances were. As I said at the time, you know, I can understand that fully. And there are times when members of your family might do things that you do not know about. I did not ask the Honourable Member, *How much does a private investigator cost?* Because that might have been inappropriate. I did not ask the Member about any other thing that he may have been involved with because that would have been inappropriate.

But I am not going to stand here, allow those types of insults and debased language to be used to me, and have Members opposite have the audacity to stand there and criticise to say that I defended something that I did not defend; that they are offended by something that somebody said. Take it up with the person that you have issue with. Don't take . . . you know, there is no necessity to take it out on me or to suggest that I was defending somebody. But then to say that I need to be accepted by white people in my party . . . Mr. [Deputy] Speaker, let me say, without fear of contradiction, I do not need to be accepted by anybody on my party. I do not need to be accepted by anybody over on that side, Mr. [Deputy] Speaker. And I certainly do not have to sit here and be insulted by the one white Member that they have been able to garner on their side.

You know, Sesame Street says, *One of these things is not like the other. One of these things just doesn't belong*. And when I look at that individual, Mr. [Deputy] Speaker, I can say the things that I have *heard*, that that was what the Honourable Member was alluding to, but I am just supposed to sit here and swallow it. Well, I won't!

And the next time I hear that kind of language coming from that Honourable Member, that is obviously supported and agreed to and encouraged by Members opposite because of their silence, which, to me, speaks acquiescence, then I will put more of the

details and the sorted details in the public domain and I will feel no way about having to withdraw it.

Thank you, Mr. [Deputy] Speaker.

**The Deputy Speaker:** Thank you.

The Chair recognises the Honourable Member from constituency 36, Mr. Scott.

**Hon. Michael J. Scott:** Thank you, Mr. [Deputy] Speaker.

Mr. [Deputy] Speaker, in this House where we enjoy absolute privilege for statements that we make, it has been legend that Members of the PLP Opposition have singled out the former Premier of this country about the drug cartel, that cache that came into this country in one of his company's containers. The comparison of the Honourable Opposition Leader, who holds a constitutional position in this House to uphold the standards of this House for decorum, particularly in this racially polarised country, to not castigate the former chief law officer of this country's remarks to a young front bench Minister, and Minister of Education, is comparing apples and oranges. There is no comparison between what was said about matters that are in the public domain about the Opposition Leader's former husband, his record, and the way that it was linked by the Honourable Minister of Social Development, in last week's speech. He was speaking [about] matters that were on public record. There is no comparison, and—

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

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

*[Imputing improper motive]*

**Hon. Patricia J. Gordon-Pamplin:** There is nothing on public record that puts any question into where my property came from. I would not—

*[Inaudible interjection]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member is imputing improper motive. I would absolutely not have that Member now defending what his white Member had to say.

**Hon. Michael J. Scott:** That is not a point of order. I have not even gotten to the point of the house because that may have been speculation. It was a linkage between . . . and we all heard it. It is in Hansard, as the Opposition Leader has indicated. And I heard the statement last week. It was a link, and a speculative link, which is entirely approved and possible under the rules of the House.



But I take the more principled point that the constitutional role of the Opposition Leader to tolerate a racial slur across the floor of this House this afternoon deserves no comparison with what the Minister of Social Development indicated last week. It passed through this House without comment until now, when it is convenient for the Opposition Leader—

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

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member of Social Development spoke after I did last week, and I had no opportunity to come and retort. And he was not here last week; this is the week before, the 22<sup>nd</sup>. And today is the first opportunity that I have had to be able to respond. And in that response, it was only elicited . . . because I was going to let it go. I was going to be bigger than that. But when I start having comments being thrown at me by the Member who spoke earlier, I am not tolerating it!

Talk about decorum, it goes both ways.

**Hon. Michael J. Scott:** Mr. [Deputy] Speaker, these vacuous attempts to contrast what was said last week for . . . are completely false, morally as equivalence, they are not the same.

The Minister has struggled to harvest that last week's statement as a justification for what brought the Speaker of this House to his feet that caused the former Minister of Legal Affairs to withdraw that egregious comment that breached the rules that even the . . . the Opposition Leader was castigated even by yourself Mr. [Deputy] Speaker, in her own constitutionally delivered Reply, for language which brings House into disrepute, breaches privileges, and is insulting to Members.

This afternoon's—

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

**The Deputy Speaker:** What is your point of order?

#### POINT OF ORDER

*[Misleading]*

**Hon. Patricia J. Gordon-Pamplin:** The Honourable Member is misleading the House. I was not castigated for using language to bring the House into disrepute. The Speaker of the day suggested that the fact that the Reply was written, he was going to permit it, he was not going to ask for any matter that was included therein to be struck from the records.

**Hon. Michael J. Scott:** If the Opposition Leader is continuing to defend those remarks, it just boggles the mind.

It is a false equivalent, Mr. [Deputy] Speaker. That is a simple point I wish to make. We must not let this day pass, nor must we avoid drawing a line under what happened today from the Member who is not in his seat, who is a lawyer, and was the chief legal advisor in this country.

Mr. [Deputy] Speaker, the Minister of Education was within his full rights to be insulted and to stand at the motion to adjourn to underscore this. And to see the Opposition Leader make this false equivalence defence . . . it is not even a defence!

*[Inaudible interjections and general uproar]*

**Hon. Michael J. Scott:** I will not sit down and shut up—

**The Deputy Speaker:** Ahh—

**Hon. Michael J. Scott:** —as the Opposition Leader is inviting.

**The Deputy Speaker:** Madam Leader of the Opposition—

**Hon. Patricia J. Gordon-Pamplin:** I apologise, Mr. [Deputy] Speaker.

**The Deputy Speaker:** —please withdraw those remarks.

**Hon. Patricia J. Gordon-Pamplin:** I withdraw the remark, notwithstanding I was not on my feet. I withdraw the remark.

**Hon. Michael J. Scott:** For the Opposition Leader to be making the presentations today after what we had to endure in the 21 century is beyond belief. And yet she doth protest. She doth protest.

So, Mr. [Deputy] Speaker, I stand in direct response to this puerile response by the Opposition Leader. I hope we can be exposed to more elevated, Mr. [Deputy] Speaker, pronouncements from the Leader of that side of the House. But I concur with the remarks of indignation from our Minister of Education, a person to whom our children must continue to look up to.

**The Deputy Speaker:** Any further speakers?

The House stands adjourned until October the 20<sup>th</sup>.

*[Gavel]*

*[At 8:07 pm, the House stood adjourned until 10:00 am, Friday, 20 October 2017.]*

**BERMUDA HOUSE OF ASSEMBLY****OFFICIAL HANSARD REPORT****20 OCTOBER 2017****10:04 AM***Sitting Number 6 of the 2017/18 Session*

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

**PRAYERS**

*[Prayers read by Mr. Clark Somner, Deputy Clerk]*

**CONFIRMATION OF MINUTES**

*[Minutes of 6 October 2017]*

**The Speaker:** Good morning, Members. I received the Minutes of October 6<sup>th</sup>.

Are there any objections or any amendments to those Minutes?

No objections from all Members. The Minutes have been confirmed.

*[Minutes of 6 October 2017 confirmed]*

**MESSAGES FROM THE GOVERNOR**

**The Speaker:** There are none.

**ANNOUNCEMENTS BY THE SPEAKER  
OR MEMBER PRESIDING****APOLOGIES**

**The Speaker:** Yes. I have been informed by four Members that they will be absent today. The Honourable Member, Mr. Cole Simons; the Honourable Member Leah Scott; the Honourable Member Craig Cannonier; and the Honourable Member Ben Smith will be absent today. We have been notified of those absences.

Members. I am actually going to take to my feet for this one, Members. Actually, I do not take pleasure in having to stand this morning to address this, but I will address it. And I think it is time it gets addressed.

**DECORUM IN THE HOUSE**

**The Speaker:** It was brought to my attention that I should remind Members that we are here to do the people's business. And in the debate that goes back and forth, the tones on a personal level should not be allowed on this floor. At least this Speaker is not going to allow it. And I expect the House to respect the

fact that we were all elected here equally to do the people's business. And as long as we are debating and doing the people's business, it is fine and acceptable by this Speaker. But when the tone takes a different level and goes to a personal level, it will not be accepted, and I do not expect to have to get on my feet to address this again. Thank you.

**MESSAGES FROM THE SENATE**

**The Speaker:** There are none.

**PAPERS AND OTHER  
COMMUNICATIONS TO THE HOUSE**

**The Speaker:** There are none.

**PETITIONS**

**The Speaker:** There are none.

**STATEMENTS BY MINISTERS  
AND JUNIOR MINISTERS**

**The Speaker:** I have been informed that we have seven Statements from Ministers and Junior Ministers. We will begin with the first Statement, that being from the Premier.

Premier, you have the floor.

**EUROPEAN ENGAGEMENT**

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

Mr. Speaker, I rise today to inform this Honourable House about my recent [engagement in Brussels, Paris, and London](#).

Mr. Speaker, Europe is going through its greatest reform in our lifetime. It is responding to the impact of the United Kingdom's decision to leave the European Union, and the impacts of the recent elections in France and Germany. Emmanuel Macron, the new French President, is seeking to take a greater leadership role amongst his European partners, while Angela Merkel, after 12 years of leadership and with a new coalition government, addresses Germany's weakening position within the EU. In addition, indications are that the Eurozone is seeking to increase its fiscal oversight role.

I outline the challenges within Europe to highlight the current uncertainty of politics in Brussels and across Europe. This uncertainty means that Bermuda will, now more than ever, need to continue to educate others about our business model and our reputation.

During my visit, I had the opportunity to meet with the head of staff in the Cabinet of Commissioner Moscovici to begin this process of greater understanding. Our message is that Bermuda adheres to all international standards of tax transparency. For example, Bermuda complies with all OECD [Organization for Economic Cooperation and Development] criteria of transparency and exchange of information for tax purposes. Bermuda has been recently rated “largely compliant” on exchange of information upon request. Bermuda is the only UK Overseas Territory to have put into practice the OECD country-by-country [CbC] reporting regime. As a result, the French Government has placed Bermuda on its CbC reporting whitelist, the only UK Overseas Territory to have received this designation. Bermuda was the first UK Overseas Territory to join the base erosion and profit shifting inclusive framework, by joining effective the 1<sup>st</sup> of January 2017.

Bermuda shares data upon request, and [shares data] through automatic exchange through our tax information exchange reporting portal. This portal has received common reporting standards information from industry and has delivered it automatically to OECD members, including EU member states via the OECD’s reporting portal. Bermuda’s portal is now live for receiving country-by-country information from the applicable large multinationals headquartered in Bermuda. It will be able to upload this CbC information to the [OECD] portal by the middle of 2018.

Mr. Speaker, I had the pleasure of meeting with OECD Secretary General Angel Gurría in Paris. We had a valuable discussion on Bermuda’s recent OECD rating of “largely compliant,” which the Secretary General praised. He also applauded Bermuda’s placement on France’s CbC reporting whitelist, and the measures taken on levels of transparency. I am pleased to report that Bermuda continues to maintain a strong relationship with the OECD and its members.

Mr. Speaker, you will be aware, no doubt, that Bermuda is a global leader in insurance and reinsurance. We were able to share that, within the past decade, Bermuda has covered \$27 billion in EU catastrophe insurance claims. In addition, Bermuda’s Solvency II equivalency in insurance by the EU was acknowledged, with Bermuda recognised as being on the leading edge of international cooperation and transparency standards. Recent catastrophic events in the Caribbean and the United States highlight the importance of our insurance and reinsurance industry in providing capital to stimulate recovery efforts.

While in London, I held three bilateral engagements. The first was with the Minister of State for the Commonwealth and the United Nations, Lord Ah-

mad of Wimbledon, who also has responsibility for the Overseas Territories. Our discussions focused on the disaster relief efforts to those territories impacted by Hurricanes Irma and Maria. The Minister formally acknowledged the support provided by Bermuda to those affected territories and applauded our ability to provide skilled assistance.

In my capacity as President of the United Kingdom Overseas Territories Association, I was able to address with the Minister the agenda for the upcoming Joint Ministerial Council to be held in November, where the Bermuda delegation will lead in those discussions on behalf of the Overseas Territories. I also held discussions with the Right Honourable Mel Stride, MP, Financial Secretary to Her Majesty’s Treasury. His predecessor, the Right Honourable David Gauke, MP, who remains a member of Theresa May’s Cabinet, is a strong advocate for Bermuda. It was imperative that I ensured that Bermuda would retain the same level of support from Treasury under its new leadership as it did under David Gauke. This support is even more important, given our efforts in Brussels.

Mr. Speaker, it was also an honour to meet with the Foreign Secretary, the Right Honourable Boris Johnson, MP. The Foreign Secretary on behalf of the UK Government undertook to support Bermuda’s efforts to diversify our economy, protect our financial services industry, and uphold our fiscal independence.

Mr. Speaker, to build upon our recent outreach to enhance the understanding of Bermuda and its business model, officials in both the Ministry of Finance and the Bermuda London Office will continue our engagement in Brussels at a technical level, and, as necessary, I will join the effort to ensure Bermuda’s financial future. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Mr. Premier.

We have a further Statement, this time from the Minister of Health. Minister Wilson, you have the floor.

## THE SCOURGE OF OBESITY AND CHRONIC DISEASES IN BERMUDA

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

Mr. Speaker and Honourable Members, I rise today to address this Honourable House about a matter of national importance, a matter significant to our economic prosperity and our physical survival—that being the prevalence of [obesity and non-communicable diseases](#).

Mr. Speaker, Bermuda today is suffering from epidemic levels of obesity, and chronic non-communicable diseases like diabetes and kidney disease. I know we do not like to hear about it, but three out of every four of Bermuda’s residents are overweight or obese. This is among the highest in the world, and it is certainly not acceptable.

Mr. Speaker, I say this to my honourable colleagues and the public: Wherever you are right now, look around you, look at yourself, and count how many people are overweight or obese within your view. Be truly honest, and include those you would normally think of as *big-boned* or *chunky*.

Look in the mirror. Are you a woman with a waist measuring more than 35 inches or a man with a waist larger than 40 inches?

**The Speaker:** Now, Minister.

[Laughter]

**Hon. Kim N. Wilson:** If you honestly answer yes, then include yourself in that statistic.

We are too large, Mr. Speaker. And it pains me to say it, but we must wake up to the sad truth, because if we do not, we will not get out of the spiral of disease and exorbitant health spending that we are currently in. It has to stop, Mr. Speaker, and it starts with the person looking back at you in the mirror.

But make no mistake, Mr. Speaker, obesity is not about how we look. Obesity, and the lifestyle choices that cause it, also lead to the early onset of preventable diseases like diabetes, kidney disease, and heart disease. These conditions bear a terrible burden on those afflicted and on their families, and they are expensive to treat.

Estimates by the Bermuda Health Council indicate that, based on health insurance claims alone, obesity and diabetes will add over \$26 million to our Island's health costs over the next 10 years. This is just the direct cost of medical care and does not include the indirect costs like the impact on other conditions, out-of-pocket payments, subsidies, wages, and work hours lost. Those indirect costs are part of the larger health economic impact. Bermuda just simply cannot afford this, Mr. Speaker.

So, Mr. Speaker, the Ministry of Health is committed to tackling the increase in obesity and chronic non-communicable diseases on our population. Our future prosperity depends on this because sick people cannot work or study, and they also become an economic burden rather than productive members of society. For this reason, Mr. Speaker, the Throne Speech 2017 highlighted our commitment to health and wellness. I would like to highlight some of the initiatives that we are currently engaged in to tackle this issue, in partnership with broader community organisations.

Mr. Speaker, I want to start with "Taking it to the Streets." This summer, the Department of Health took its Community Health Nursing Team to the streets [where the team] screened more than 350 people and referred 126 for additional medical assessments. Persons were referred because the screenings found significantly higher numbers of elevated blood pressure and blood sugar readings at

these free health checks. And, Mr. Speaker, this means that one in three persons screened were at risk and in need of medical attention. How many other people are walking amongst us today in a similar state?

Chronic diseases like diabetes and hypertension are called the "silent killers" because many sufferers do not feel sick—they have no symptoms. Screening is an important tool for testing and early detection before symptoms develop and before debilitating diseases take hold. Lives may have been saved because of this initiative.

Mr. Speaker, the next initiative I want to highlight is the recent "Celebrating Wellness" event. I know my honourable colleagues agree with Frederick Douglass's statement that "It is easier to build strong children than to repair broken men." The Department of Health takes this dictum very seriously. The seventh annual Celebrating Wellness event was held last month, with the theme "Ensuring a Brighter Future for Our Youth." The event provided a supportive forum and targeted information with demonstrations of sport-, health- and fitness-related activities, a selection of healthy food options, and free health screenings. Initiatives like this, Mr. Speaker, help us to get the word out and to make health the easiest choice.

Mr. Speaker, we know that physical activity is good for us at any age. To this end, the Health Promotion Office held the "50 Million Steps Challenge." This fun and highly successful challenge was an inter-parish walking competition held from August to September that had participants hitting the railway trail and sidewalks every day with their pedometers. Adults are advised to remain active for approximately 30 minutes a day, and, as a guideline, walking 10,000 steps daily will ensure adequate physical activity.

Bermuda's walkers showed what they are made of and more than doubled the original goal. And over 100 million steps were taken! The overall parish team winner was Team St. George's Steppers. To reward their efforts, outdoor fitness equipment will be installed in a designated park in St. George's Parish, which will include wheelchair-accessible equipment.

[Desk thumping]

**Hon. Kim N. Wilson:** But, Mr. Speaker, while we all know that *an ounce of prevention is worth a pound of cure*, the truth is [that for] the "ounce" that you are ill, we have to invest that "pound" to manage your disease and get you back on the right track.

So, for this purpose, the Health Insurance Department has the "Enhanced Care Pilot." This 18 month pilot programme targets underinsured and uninsured persons with obesity or being overweight, hypertension, diabetes, asthma/COPD, and coronary vascular disease. It aims to improve chronic disease management to reduce disease complications, unnecessary hospitalisation and emergency room visits.

Currently, over 150 participants have enrolled, and initial feedback is very encouraging.

Lastly, Mr. Speaker, I want to highlight an important development that should help the country manage chronic diseases better: the establishment of a National Register of Chronic Diseases. Work to develop a register for selected chronic diseases is underway. This will require the cooperation of private and public health sectors, and its success is vitally important. Accurate national health statistics are a basic requirement to address the chronic disease problem in Bermuda. We must be able to know the population's health status and accurately track our progress following interventions.

Mr. Speaker, this is just an overview of activities underway today. Some were started under the previous administration, and I am entirely committed to continuing this work because it benefits Bermuda as a whole. In addition, we are hard at work to develop proposals for Bermuda's sugar tax, which we intend to begin consultation on in the coming months. And I am personally committed to reintroducing the vending machine policy in government buildings to ensure that healthier options are available on government properties.

*[Desk thumping]*

**Hon. Kim N. Wilson:** We must not continue, Mr. Speaker, to promote the very choices that make us sick and are costing us so dearly.

My Ministry looks forward to continuing this work, and we hope this Honourable House will join us in these efforts to halt the rise of obesity in Bermuda.

Thank you, Mr. Speaker.

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

There is a further Statement. I will recognise the Minister for Reform. Minister Foggo, you have the floor.

## GOVERNMENT REFORM PROGRESS REPORT

**Hon. Lovitta F. Foggo:** Thank you, Mr. Speaker. Good morning, Mr. Speaker. Good morning to the House. Good morning, Bermuda.

I rise this morning to inform this Honourable House of the progress made towards laying the foundation for [government reform](#).

Mr. Speaker, reform is all about modernisation and change. And this Government's goal is to enact substantive and meaningful changes for the betterment of Bermuda. To this end, the Ministry of the Cabinet Office with responsibility for Government Reform has started to build the foundation for change within the Government on a framework of accountability, collaboration, transparency, and integrity.

Mr. Speaker, demands to modernise the Government require a strengthening of the leadership by

empowering the Legislature to have a more robust role. Mr. Speaker, as you are aware, aside from passing laws, one of the functions of the Legislature is to scrutinise Government operations and administration. Such scrutiny and oversight by this Honourable House is an area that the former Government opted to reject. It is one of the many recommendations that were set aside.

Mr. Speaker, Honourable Members will know that this Government committed to implement the SAGE Commission's recommendation to establish three permanent Parliamentary Oversight Committees in order to improve governance, reduce waste, and increase efficiency. Honourable Members will recognise, however, that the establishment of a parliamentary committee is a matter for the Speaker and not for the policymakers.

Nonetheless, in accordance with this commitment, I can report that, over the past few months, I, in my capacity as the Minister for Cabinet Office with responsibility for Government Reform, have become a fierce advocate for the establishment of these committees. Honourable Members should be aware that the Ministry of the Cabinet Office with responsibility for Government Reform is committed to working with the Legislature to ensure that these committees are realised.

Mr. Speaker, the vision for these committees is such that it holds both Ministers and technical officers accountable to this Honourable House. It is envisioned that both Ministers and technical officers will be called before these committees to report on details related to programmes and policies that fall under their ministerial remit. The committees will be empowered to make recommendations that will support and inform programme and service delivery and the Government's reform agenda. Mr. Speaker, the aim is to hold Ministers accountable at all levels.

Therefore, the Ministry of the Cabinet Office with responsibility for Government Reform has worked in cooperation with the Office of the Premier to update the *Ministerial Code of Conduct* to ensure that Cabinet is held to the highest ethical standards. The now-strengthened *Ministerial Code of Conduct* seeks to ensure complete transparency.

In addition to the Register of Members' Interests, more rigid disclosure requirements for Ministers have been established. Ministers have historically been required to surrender only gifts valued in excess of \$250; however, Ministers have not traditionally been required to disclose gifts of a lesser value. Mr. Speaker, the now-amended *Ministerial Code of Conduct*, which is expected to be tabled for information in this Honourable House in the coming weeks, requires a Minister, as soon as possible after the receipt of all gifts of any value, to disclose the gift to the Permanent Secretary.

Further, a Minister also will be required to disclose all hospitality from any source which might rea-

sonably be thought to influence ministerial action in any manner. For example, Honourable Members will recall instances where private air transportation and complimentary high-end dinners to discuss potential business, such as casinos or gaming, were accepted by a previous administration. The amended Code requires that a Minister must immediately disclose such hospitality.

An official disclosure form will be created and distributed electronically to each Minister and Ministry to ensure that this mandate is operationalised.

Transparency and integrity in office are at the heart of this endeavour. Mr. Speaker, not only has the *Ministerial Code of Conduct* been updated, but Ministers were required to participate in a training session wherein the contents of the *Ministerial Code of Conduct* were presented, and clarified as required. Ministerial briefings on the *Ministerial Code of Conduct* were supplemented with ministerial briefings on Project Management and Procurement. Mr. Speaker, the Code of Project Management and Procurement has been now been finalised and will be tabled in this House for information in the coming weeks.

Honourable Members will be aware that the Code sets out the requirements and procedures for the procurement of goods and services for the government that must be met and followed by all public officers. By complying with the Code, public officers will ensure that the government's procurement activities achieve the best value for money, while being fair, ethical, and transparent.

The Code is reflective of the Government's commitment to improve good governance standards and to use its purchasing power to create opportunities for historically disadvantaged groups. To this end, preference in the awarding of contracts will be given to small and medium-sized businesses, and businesses with a well-established Bermudian employment base.

Mr. Speaker, the Code seeks to modernise government procurement practices and stimulate innovation. A provision for unsolicited proposals has therefore been incorporated into the policy. Such a provision seeks to increase transparency and ensure fairness in the handling of unsolicited proposals. For instance, a process has been set out for the receipt and examination of proposals that are submitted to the government, such as the Aecon/CCC proposal to redevelop the airport. This will ensure that, in the future, any such proposals will be handled in a fair and transparent manner.

Mr. Speaker, the supremacy of Cabinet in Bermuda's system of government is a long-settled position. In recent years, there has been a very public attempt to enjoin senior civil servants with the Cabinet, and to make them responsible for the decisions of Cabinet. This is fundamentally wrong and contrary to a core tenet of our style of government. Therefore, the Code contains a provision that recognises the authori-

ty of the Cabinet and seeks to make Cabinet accountable for its decisions, subject to documenting the rationale. This provision is intended to relieve senior civil servants of the obligation to justify decisions of Cabinet.

Mr. Speaker, the Office of Project Management and Procurement will collaborate with the Bermuda Economic Development Corporation and other groups to educate small and medium-sized business owners and entrepreneurs on the government's tendering requirements and to make them aware of potential public sector contracting opportunities.

Mr. Speaker, Honourable Members will already be aware that the Government has committed to seek the extension of the United Nations Convention against Corruption to Bermuda. In order to meet certain requirements of the convention, the Government will continue along the path to develop a new, unified, and comprehensive procurement legislative framework that replaces the relevant sections of the Public Treasury (Administration and Payments) Act 1969 and the Good Governance Acts of 2011 and 2012, respectively.

Mr. Speaker, steps will be taken to commence implementation of the Code in the coming weeks. Implementation will commence with a clear training programme for accounting officers and comptrollers. Subsequently, other public officers with responsibility for engaging in purchasing and tendering activities will receive instruction on the Code's requirements.

Mr. Speaker, since we became Government, we have worked tirelessly to put steps and safeguards in place to ensure that the integrity of the public office is upheld. This Government is committed to good governance, good government, and ensuring that the operations and financial affairs of all public authorities are open and transparent. Thank you, Mr. Speaker.

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

We have a further Statement from the Minister of Tourism. Minister Simmons, you have the floor.

## THE WORLD ALTERNATIVE INVESTMENT SUMMIT

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker.

Mr. Speaker, the [World Alternative Investment Summit \(WAIS\) Bermuda Conference](#), produced by Radius Financial Education, returned to Bermuda for its second consecutive year and took place October the 11<sup>th</sup> through the 13<sup>th</sup> at the Fairmont Southampton.

The purpose of WAIS from the BDA's perspective was to present local companies with opportunities to meet and develop relationships with new prospective clients, influencers, and introducers of business. The end result of this will be the attraction of new business to the Island, which should ultimately create opportunities for local job creation and economic growth.

Mr. Speaker, this year's conference attracted 150 delegates, speakers, sponsors, and exhibitors. I was pleased to open the conference with welcome remarks on behalf of the Government of Bermuda, and Mr. Sean Moran, head of Business Development at the BDA, followed with a recap on the latest developments in Bermuda's international business sector.

Additional speakers from local companies including Appleby, KPMG, WW Management, Oyster Consulting, BeesMont Law, Deloitte, Certainty Ltd., Horseshoe Group, Butterfield Trust (Bermuda) Limited, Harbour International Trust Company, DrumG Financial Technologies, and Hiscox Re also participated on panels covering a wide range of subjects such as offshore regulatory and compliance issues, family office investing, blockchain technology, cybersecurity, and insurance-linked securities.

Such an active participation by so many local speakers in this year's programme demonstrates the breadth of talent, experience, and thought leadership that exists on our Island, which in turn helps to attract more high-quality business to our jurisdiction. The key objective of every conference the BDA brings to Bermuda is to present local companies with opportunities to develop relationships with new prospective clients to make this a win-win for both.

Of course, another effect of these conferences is the impact on air arrivals, hotel occupancy rates, restaurants, taxi drivers, tour boat operators, golf pros, and other providers of services and experiences that these business visitors typically enjoy when they are attending a conference on the Island.

Mr. Speaker, the WAIS Bermuda event differs from other alternative investments conferences because it features well-known former athletes as special guests. This year, it featured four former heavy-weight boxing champs, Riddick Bowe, Lamont Brewster, Chris Byrd, and Ray Mercer; as well as former NFL players, Charles Way and Bobby Brown; former NBA player, Charles Smith; and former Major League Baseball player, Darryl Strawberry, as a motivational keynote speaker.

The boxers met with a group of students at CedarBridge Academy, while Darryl Strawberry spoke at Berkeley Institute's *Future Friday* assembly and took time out of his schedule to practice with a youth baseball team.

I am happy to report that the athletes thoroughly enjoyed their time in Bermuda and the hospitality of their Bermudian hosts. Every one of them expressed interest in returning to the Island in the near future, either to vacation with friends or family, or to host sporting events. It is my hope to come back to this Honourable House in the future to speak in more detail of these events as they materialise.

Mr. Speaker, the Bermuda Business Development Agency (BDA) was the Diamond Sponsor of the event, and other local firms, including Appleby, KPMG, and Deloitte, were Gold and Silver sponsors.

Other supporting sponsors included State Street Global Advisors, the Canadian Institute of Financial Planning [CIFP], and Asset TV.

The Bermuda Business Development Agency and the Ministry were pleased with the results of the WAIS Bermuda Conference and are excited about the many opportunities that could result from Bermuda's selection as the host venue. The Ministry of Economic Development and Tourism will continue to work closely with the BDA and the Bermuda Tourism Authority to capitalise on these opportunities for the purpose of delivering benefits to Bermuda and Bermudians.

Thank you, Mr. Speaker.

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

We have a further Statement from the Minister of Education. Minister, you have the floor.

### INDUSTRY SUPPORT OF MIDDLE SCHOOL CURRICULUM

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker, and good morning, colleagues. Mr. Speaker, today I rise to give an update on the programmes of [industry support between the middle schools](#) and IB [international business] of our Social Studies curriculum.

Mr. Speaker, I rise this morning to share with Members of this Honourable House, and to the listening audience, an exciting public-private partnership initiative directly related to the creation of curriculum, lesson plans, and resources for Social Studies and Business Studies courses at the middle school level. The public-private partnership reflects a collaborative effort between the Association of Bermuda International Companies (ABIC) and the Department of Education. The aim of this partnership is to support public school teachers and to give students a better understanding of how the Bermuda economy works, and the different industry sectors—and job types—within the all-important international business market.

Mr. Speaker, as we are aware, international business is Bermuda's economic foundation, contributing the greatest amount to the Bermuda economy. Bermuda's IB exempt sector comprises insurance, reinsurance, insurance captives, insurance-linked securities [ILS], and other financial services such as securities trading, commodity brokering, shipping, and consultancy. The IB sector directly employs roughly 4,000 persons. About 60 per cent of these employees are Bermudian. Companies providing direct support to the IB sector employ an additional 6,000 individuals. Bermudians are occupying jobs in the IB sector from entry level positions to as high as President/CEO. It was with these statistics in mind that the ABIC team, curriculum officers, and teachers commenced discussions on promoting the opportunities available to Bermudians in the IB sector to middle school students.

Mr. Speaker, our teachers will expose M2 and M3 students to the world of international business in Bermuda through the use of resource material and lesson plans. Students will learn about the Island's economy and careers related to IB, using PowerPoint presentations, videos, infographics and animated graphics telling the story of Bermuda's economic history, how regulation works, and current global business sectors. Students will understand the Bermuda market's contribution to economies worldwide, inclusive of practical tips to help middle school students investigate careers in reinsurance, captive insurance, and other financial services, and [careers in] support industries such as accountancy and compliance, where qualified personnel are in high demand.

Mr. Speaker, we all understand the importance of exposing our students to career opportunities in their own country at an early age, to engage them to prepare and take their rightful place in the job market. This is our intent as we introduce our middle school students to understanding the origins, opportunities, and structures of IB in Bermuda. The basic business concepts understood from the operations of IB in the local economy will allow our students to build on and conceptually link to the global perspective as they progress to the senior and tertiary school levels.

Mr. Speaker, as I have shared previously to this Honourable House, Bermuda is a leading international financial centre. Presenting this type of information to our students through the delivery of the Social Studies and Business Studies curriculum is essential to ensuring that the IB sector continues to employ an increasing number of Bermudians. Certainly, our students being informed will keep Bermuda well placed at the forefront of innovative developments in the business world.

Mr. Speaker, now let me acknowledge and congratulate the individuals who were instrumental in making the curriculum, the lesson plans, and the resources a reality for use in our middle schools. This initiative was led by Lisa Marshall, Education Officer for Social Studies; Richard Winchell, Executive Director of the Association of Bermuda International Companies; and Dawnelle Walker, former CEO, Bermuda Insurance Institute. The lesson plans were written by Nicole Grant, Dellwood Middle School Social Studies Teacher; and Dean Foggo, Clearwater Middle School Business Studies Teacher. Contributors to the resources were Rosemary Jones, from the Association of Bermuda Insurers and Reinsurers; the Bermuda Insurance Institute; the Bermuda Insurance Management Association; the Bermuda Monetary Authority; and the Bermuda Business Development Agency.

Mr. Speaker, in closing, on behalf of the Government of Bermuda and the Department of Education, I thank all involved in the creation of the curriculum, lesson plans, and resources for our middle schools. I am confident that their efforts will benefit both current and future generations of our children in

Bermuda, and the continued strength and growth of the IB sector. Thank you, Mr. Speaker.

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

We have a further Statement, this time from the Minister of National Security. Minister Caines, you have the floor.

## POLICING ST. GEORGE'S

**Hon. Wayne Caines:** Good morning, Mr. Speaker.

Mr. Speaker, policing in Bermuda involves some community nuances that, even in 2017, require special attention. The strength of our society is in the community spirit and ownership of community issues. Strong communities form the foundation of who we are as Bermudians. This Government has committed to supporting the police in their efforts to promote safe communities, and, since my appointment as Minister of National Security, I have emphasised this point to the Commissioner of Police and his senior command.

In the first instance, Mr. Speaker, I have regularly discussed the matters of policing of St. George's with the Honourable Members, Mrs. Ming and Mr. Swan, from constituencies 1 and 2, respectively. Both of them have clearly set out the needs in their constituencies and the importance of providing a robust plan for [policing in St. George's](#). I have been impressed with their commitment and determination on that front.

Mr. Speaker, it is important to place in the record of this most Honourable House and in the public domain some important facts surrounding the considerations for policing St. George's. Statistically, the parish of St. George's records amongst the lowest amount of crime in the nine parishes. The Town of St. George's records a small percentage of the parish's total crime.

Mr. Speaker, notwithstanding the statistically safe nature of the Town of St. George's, the Bermuda Police Service [BPS] acknowledges that fear of crime and feelings of safety (or the lack thereof) are equally as important as the actual crime itself. Mr. Speaker, the aim of the BPS is to police the town in a manner that inspires confidence. There is currently one Community Action Team (CAT) officer who is assigned to full-time duties in the town, and the rest of the [CAT] officers work on specific community problems on a regular basis. Uniformed patrols from Southside Police Station and armed response vehicles [ARVs] are directed to patrol the town on a daily basis.

Mr. Speaker, if there is to be future development of the town and the surrounding area, an integral part of that development process should include a policing plan. If new hotels and cruise ships bring substantial traffic and pedestrian volume increases in the town, it will be prudent to consider options to increase the police presence. Mr. Speaker, in the case of Dockyard, for example, the arrival a few years ago of mega cruise ships [warranted the] establishment of



a satellite police office that is staffed whenever the cruise ships are in port.

Mr. Speaker, there has been much discussion around the relocation of the eastern police station from Southside to the old town. Mr. Speaker, opinions may be divided on this issue, but any such move must consider the following:

- There is no need to operate from Southside Police Station and from within the town at the same time, nor would it be efficient or economic to do so. Only one location, either/or the other, should be considered.
- There is a long-term rental agreement with the BLDC for Southside, and this building also houses the Forensic Crime Unit of the Bermuda Police Service, so we will see no cost savings. However, there could be other police units that could be relocated to Southside, and cost savings might be met on other current rentals. This is particularly interesting, as we are going through the budget at this current time.
- Additionally, Mr. Speaker, the old police station in St. George's is neither habitable nor fit for purpose, nor is it large enough. None of the many refurbishments have managed to fix the multitude of problems, including a leaking roof and rotting joists. This location, in my view, is not likely an option.
- I am advised that other locations were considered, including the Somers Play House and the old Youth Centre on Water Street. There might well be other suitable buildings. Factors must be considered—location, satisfactory parking, adequate size to accommodate staff and equipment, and the general health and safety requirements must all be considered.
- Mr. Speaker, whilst a custody suite is not mandatory, if one is to be included, it must comply with the requirements of the Police and Criminal Evidence Act (PACE) as it relates to the safe custody of detained persons, which includes bedding, CCTV, climate control, security and safety concerns.

Mr. Speaker, the Commissioner has made it clear to me that the BPS is not tied to Southside as an operating facility and they have no objections to moving the police station. This, of course, is if we consider that police officers are to be moved into an appropriately fitted building that properly supports the policing operations.

Mr. Speaker, I felt it necessary to inform this most Honourable House of these considerations and to assure the people of St. George's that these issues are on the front burner. This Ministry will continue to work with the Commissioner to determine the best policing plan to support St. George's, providing a solution that inspires confidence, serves the growing town well, and is economically viable for the long term.

Mr. Speaker, thank you.

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

The last Statement this morning will be that of Minister Burch. Minister Burch, you have the floor.

### GARBAGE COLLECTION AND TYNES BAY

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, good morning, and thank you for your indulgence. I hope not to make it a habit.

Mr. Speaker, I am gradually visiting the satellite locations of the various departments that comprise the Ministry of Public Works. To date, I have had the opportunity to meet with the various department heads and have visited and met with frontline staff at Ministry Headquarters, Public Lands and Buildings, Works and Engineering, the Marsh Folly Depot—comprising waste management, highways, disposal section, and parks. As well, Mr. Speaker, I have had the opportunity to visit the Departments of Land Valuation, Land Title Registration, BHC [Bermuda Housing Corporation], BLDC [Bermuda Land Development Company Ltd.] and WEDCO [West End Development Corporation]. There are still several areas to visit, including the Quarry, Tynes Bay, Botanical Gardens, Sally Port Depot, Tulo Valley, the Water Section, and the Prospect Depot.

Those visits will continue over the next few weeks, but specifically I rise this morning to report briefly on two areas—Tynes Bay Waste-to-Energy Facility and Waste Management.

Mr. Speaker, there is a need to make an ultimate decision on the future of the [Tynes Bay Waste-to-Energy Facility](#) for the construction of a third stream or a further refurbishment, either of which will need to take place within the next three years in order for the plant to remain reliable. We are commissioning a study to do an analysis of timelines, options, and, of course cost to explore which is more beneficial in the long term. The costs are significant for either option, along with the likely requirement for extensive space for baled garbage for an extended period during construction.

Concurrently, Mr. Speaker, the restructuring of the operations and management section is currently under way to create more efficiency and clarity of responsibilities. [The focus is] on plant competency for the operations team to raise the bar on good practices. We are currently short four operator positions due to attrition and staff leaving generally for higher compensation, as one reason. Plans are afoot to launch both a new cohort of Bermudian trainees next year (in conjunction with [the Department of] Workforce Development), as well as the recruitment of four overseas power engineers to fill gaps while this training occurs.

Mr. Speaker, we lose staff to BELCO more and more, as our compensation mechanisms fail to

keep up with the competition. Gaining more flexibility by becoming a quango may be a solution, as current government compensation grading does not take into account risk management, which is a high contributing factor to persons not wanting to stay and progress through the ranks. Mr. Speaker, all options are on the table to secure and retain qualified Bermudian talent, and we shall aggressively explore those options without apology.

Mr. Speaker, garbage collection continues to be a challenge, with both shortages of equipment and personnel. Regularly, we have as few as eight trucks serviceable out of a fleet of nineteen, with maintenance and a shortage of parts being major factors. A study is progressing on reviewing zones, a possible transfer station, the number and types of trucks and, of course, the appropriate level of staffing. An initial wave of recruitment of five labourers is currently in train. The overtime budget has been exhausted, and we will look elsewhere within the Ministry to supplement this in order to keep on top of collection schedules. Like many things we have found, Mr. Speaker, the budget was arbitrarily reduced last cycle from the requested amount and no consideration of the reality of the situation was planned for. [The limits on both] trucks and personnel combine to create the need for ongoing overtime. Adding new staff, new trucks to the fleet, and enhanced operating procedures will eventually lead to a significant reduction in the amount of overtime required.

Additionally, Mr. Speaker, the section is in need of a better management structure. There is a need for more environmental/safety oversight, plus an operational manager to oversee the superintendents and allow the solid waste manager to focus on strategy rather than day-to-day operations. The option of amalgamating this section with Tynes Bay is also being explored to provide synergy and a more comprehensive structure. The first step is to action the recommendation for a staff appointment to begin this process. Of course, all these options are geared towards improved efficiency and reduced costs.

To assist those hard-working staff in the waste management section, I am pleased to announce changes soon to take place with regard to the operating hours of the Tynes Bay Public Drop-Off Facility. This facility is a free service provided to residents for the disposal of household waste items, including bulky and special waste. In 2013, the operating hours were reduced as part of cost-savings measures. Through collaborative efforts with the operating contractor and Ministry staff, we are able to extend the weekday hours of the facility, which was a constant request by many members of the public.

Effective November 1<sup>st</sup>, 2017, Mr. Speaker, the weekday operating hours will change from the current hours of 9:00 am to 6:00 pm, to 7:00 am to 6:00 pm, allowing residents to more easily dispose of garbage before heading to work. All other hours of the

operation will remain the same. These include Saturdays from 7:00 am to 7:00 pm, Sundays from 1:00 pm to 6:00 pm, and on public holidays from 9:00 am to noon, exclusive of Christmas day, when the facility will remain closed.

I am also pleased to report that, through the application of monies already owed to government, the extended weekday hours come at no additional cash expenditure. This is an excellent example of how the public and private sectors can work collaboratively together, using creative solutions to provide better levels of service to the public without further impacting the public purse.

Additionally, Mr. Speaker, I have had several requests from members of the public to reinstitute the bulk waste collection service for large household items. We are exploring ways in which we can implement a version of this in the most cost-effective manner.

Mr. Speaker, the bottom line is that, as a country concerned about our environment, we all must make a greater effort to reduce the incredible amount of waste we produce. The greatest motivator, I suspect, is the cost to each and every taxpayer. Reduced waste equates to less taxation; [not reducing] waste likely leads to greater taxation.

Mr. Speaker, let me close by paying tribute to the staff at Tynes Bay, and especially our sanitation workers, all of whom do and continue to do an outstanding job under some of the most trying circumstances. Honourable Members could give a thought to those hard-working sanitation workers—not just when your garbage is collected late, but give thanks when it is collected. And, on occasion, express that thanks directly to them. Mr. Speaker, needless to say, I shall report further on other areas of the Ministry over the next several weeks. Thank you, Mr. Speaker.

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

No more Ministerial Statements.

## REPORTS OF COMMITTEES

**The Speaker:** There are none.

## QUESTION PERIOD

**The Speaker:** Question Period. We have Members who have indicated that they have questions on Statements that were read this morning. The first Statement that there are questions on is that from the Minister of Health on her Statement on obesity and chronic disease.

We have three Members who have indicated that they have questions for you, Minister. The first Member is the Honourable Member from constituency 10. Honourable Member Dunkley, you have the floor.

**QUESTION 1: THE SCOURGE OF OBESITY AND CHRONIC DISEASES IN BERMUDA**

**Hon. Michael H. Dunkley:** Thank you. Good morning, Mr. Speaker. Good morning, colleagues, and good morning to those who are listening today.

I want to, first off, thank the Honourable Minister for this Statement and the impetus and the recognition that we have a real serious problem with obesity. And I was interested to read the comments in the programmes you are having in place.

But, Mr. Speaker, one area that we need to focus more greatly on is the effects of alcohol on obesity. So the question to the Honourable Member is, what programmes will be put in place or are in place to deal with the impact and the effect of alcohol on obesity in Bermuda, which I believe is a major contributor? Certainly, as you get older, Mr. Speaker, it is harder to lose weight. And alcohol puts on those calories, as we all know.

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

**The Speaker:** Yes, Minister.

*[Inaudible interjection]*

**Hon. Kim N. Wilson:** My colleague that sits to the right said that we could discuss it over a glass of wine.

*[Laughter]*

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

**Hon. Kim N. Wilson:** Yes. Mr. Speaker, recognising the effects of alcohol and all types of things that we consume that have a higher calorie content and sugar and the like, obviously, is critical. But part of the national obesity [initiative] and planning that we are doing, that will be revealed probably in January, will certainly look at all things that affect obesity and overweight. And I will be revealing more of that in the coming months as that particular initiative develops and evolves. But that is certainly something that we will take under consideration.

**The Speaker:** Thank you, Minister.  
Is this a supplementary or a further question?

**Hon. Michael H. Dunkley:** A further question, Mr. Speaker.

**The Speaker:** Go ahead.

**QUESTION 2: THE SCOURGE OF OBESITY AND CHRONIC DISEASES IN BERMUDA**

**Hon. Michael H. Dunkley:** Yes, thank you, Mr. Speaker. I appreciate the answer from the Honourable Member, and I look forward to some follow-up.

On page 7, the Honourable Member mentions she has got a proposal for a sugar tax—

**The Speaker:** Member, I think your [microphone] may be off.

**Hon. Michael H. Dunkley:** Mr. Speaker, yes.  
—to develop proposals in regard to the sugar tax, and the consultation will take place in the coming months. Can the Honourable Minister provide some more background on what will take place in that regard? Mr. Speaker, there has been a lot of talk in Bermuda and all over the world about a sugar tax. And in fact, some places like Chicago have just retracted the tax they had. So, what steps are to take place in the consultation? Who will be involved? Who will lead this? I just would like a little bit more background. There has been a lot of talk, and now it is time to put some meat on the bone.

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

**Hon. Kim N. Wilson:** Thank you, Mr. Speaker, and thank you for the question.

Mr. Speaker, as the Throne Speech did indicate that we will be conducting consultation, we will involve stakeholders. It will be led, certainly, by the Ministry of Health. And that team will lead the consultation. We will invite all stakeholders, particularly those that may have a particular interest in the subject matter because of their own personal affiliations. They will also be invited to the table. There is a depth and wealth of information that is out there, and all those information and statistics and data will be shared, and that will be part of the consultation process. But we will be doing it widely.

In addition to that, just as an overview to the previous question concerning alcohol, because sugar is consumed more widely, and that is in direct correlation with obesity and being overweight, and the sugar that is consumed widely is found in sugary drinks and sodas, as opposed to the alcohol.

**The Speaker:** Thank you, Minister.  
Is this a supplementary?

**Hon. Michael H. Dunkley:** Supplementary.

**The Speaker:** Okay. I will let you continue your supplementary, and then I will have the other Members do theirs.

**SUPPLEMENTARY**

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

Just in regard to that last answer, I look forward to some timetable on this because, obviously, it is a very in-depth subject that has to be looked at. And I am pleased to see that consultation will take place, and I hope it is the Health Minister's consultation and not the Immigration Ministry's consultation that will take place here. In regard to alcohol—

**The Speaker:** Ah . . . let us keep it above board.

**Hon. Michael H. Dunkley:** —I tend to disagree, because a lot of those sugary calories are put on by alcohol. And those are silent calories and silent killers. So, I look forward for some idea of a timetable, because a bull in a hurry never made a calf. And we see many jurisdictions make moves and then have to retract them.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** And we are all for personal health and moving forward in the appropriate way, Mr. Speaker. This is a serious subject.

**The Speaker:** Put your question.

*[Inaudible interjections]*

**Hon. Michael H. Dunkley:** It is a serious subject.

**The Speaker:** Quiet, Members! Members.

**Hon. Michael H. Dunkley:** Mr. Speaker, this is a serious subject, and we need to make progress on it because health care costs will continue to be impacted unless we make the correct decisions.

**The Speaker:** What is your question? You have got it, correct?

**Hon. Michael H. Dunkley:** [What is the] timetable, time frame?

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

**Hon. Kim N. Wilson:** Well, that was a long way to ask that question.

*[Laughter]*

**Hon. Kim N. Wilson:** Time table? We are in day what, 85 since the election? The Throne Speech was delivered just in September. This is certainly an initiative that we are committed to, and we will be progressing it as rapidly as possible.

Internally, we have already commenced the process with respect to gathering the data and the analysis of other jurisdictions and the like. And, no doubt because of the Honourable Member's own personal business interests, he will also be part of the consultation process.

But I must remind you, Mr. Speaker—and this is not something that I coined; it is something that I have heard over and over again—consultation does not necessarily mean consent.

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

Now, we did have a supplementary. Would you like to do your supplementary? The Honourable Member from constituency 19, Ms. Atherden, you have the floor.

### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, my question to the Minister is this: We have heard lots of talk about sugar. But I am mindful of the fact that now people are really understanding that salt is very, very significant and important in terms of being a silent killer. And I just wonder, what is the Ministry doing with respect to making people understand that paying attention—

*[Inaudible interjections]*

**Mrs. Jeanne J. Atherden:** Mr. Speaker, is it possible—

**The Speaker:** There should be one Member speaking, please. One Member.

**Mrs. Jeanne J. Atherden:** Thank you.

What I would like to know from the Ministry's point of view is the fact that . . . what is the Ministry doing with respect to making people understand that salt also is a contributor? Because there is a tendency here in Bermuda to really use salt for everything to, if you will, so my question is, what is the Ministry doing with respect to making people understand that sugar is not the only thing that you need to worry about, that salt is actually—

*[Inaudible interjections]*

**Mrs. Jeanne J. Atherden:** —salt is actually being put forth as something which is more important, that the DASH Diet—

**The Speaker:** Minister, I am trying to hear the Member's question.

*[Inaudible interjections]*

**The Speaker:** What is your question, Member? Can you get to your question? Let me get to your question.

*[Inaudible interjection]*

**Mrs. Jeanne J. Atherden:** My question, if I could just repeat again, Mr. Speaker, is, I would like to know what the Ministry is doing with respect to making the public understand that salt also plays a major role in controlling hypertension, which we call the silent killer.

Thank you, Mr. Speaker.

*[Inaudible interjections]*

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

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

I guess I can answer that two ways. First of all, as the Statement indicates, we are looking at the sugar tax. It is perhaps something that we can take under consideration. And if we do, we will move far more swiftly than has been the case in the last four years, when the Honourable Member that just took her seat was sitting here.

**The Speaker:** Thank you, Minister.  
Is it supplementary?

#### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** With respect to the Ministerial Statement and the comment just made, recognising that the DASH Diet, or understanding that salt plays a real role in terms of hypertension, I wondered whether the Minister would understand that perhaps—

**Hon. Zane J. S. De Silva:** Point of order, Mr. Speaker. Point of order.

**The Speaker:** She has not got to her question yet. Let her get to her question, then we will see where it goes.

Member, if you can get to your question.

**Mrs. Jeanne J. Atherden:** Right. I wonder whether the Minister will acknowledge that dealing with salt is as important, or even more important as it relates to dealing with sugar.

**The Speaker:** You are just reframing what was asked before.

But, Minister, would you like to give a yes or no to that?

*[Inaudible interjections]*

**Hon. Kim N. Wilson:** Honestly, I missed the question because of the prelude. I am sorry. If the question is, are we considering salt—

**The Speaker:** It should be a yes-or-no. Do you recognise that salt does as much damage as sugar?

**Hon. Kim N. Wilson:** Yes. Salt is a contributing factor to our rising health costs in Bermuda, and it also contributes to hypertension.

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

Supplementary?

We have the supplementary from the Honourable Member from constituency 20.

Honourable Member Jackson, you have the floor.

#### SUPPLEMENTARY

**Ms. Susan E. Jackson:** Thank you, Mr. Speaker; good morning.

I just want to ask the Minister whether there will be in this consultative process around the sugar tax any investigation into the markets, the target people who are purchasing these high-sugar drinks. I certainly would like the Ministry to be aware of the people who will be taxed for this and to make sure that we are not actually putting an undue financial burden on people who, at this stage in the game, may not need that additional financial burden placed upon them.

So, what is being done to identify the people who will be taxed for this before we go down that road?

**The Speaker:** Minister.

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

The issues concerning the individuals who will likely have an undue financial burden as a result of an increase in a can of soda pales in comparison to the financial burden that we as taxpayers are paying with respect to the exorbitant costs in health care directly attributable to obesity and overweight. As I indicated, it is almost \$26 million we anticipate in 10 years, coupled with the fact of something that we cannot even financially quantify, which is the loss of a properly . . . loss of your ability to live a proper, healthy lifestyle, which we cannot put a figure on. And insofar as that, we cannot quantify that.

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

**Mrs. Jeanne J. Atherden:** Supplementary.

**The Speaker:** You have used your two supplementaries on this. You have been up twice.

*[Inaudible interjection]*

**The Speaker:** Hers was a supplementary.

*[Inaudible interjection]*

**The Speaker:** Hers was a supplementary.

**An Hon. Member:** Oh, I am sorry.

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

**Mr. Rolfe Commissiong:** Supplementary.

**The Speaker:** I recognise the Honourable Member from constituency 21.

Mr. Commissiong, you have the floor.

### SUPPLEMENTARY

**Mr. Rolfe Commissiong:** Thank you, Mr. Speaker.  
Will the Minister not concede that these reforms can have a beneficial impact on our economy?

**The Speaker:** Minister.

**Hon. Kim N. Wilson:** Yes, I will concede that.

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

**Hon. Patricia J. Gordon-Pamplin:** Yes, I have a supplementary, Mr. Speaker.

**The Speaker:** With a supplementary, we recognise the Honourable Opposition Leader. Opposition Leader, you have the floor.

### SUPPLEMENTARY

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

Mr. Speaker, I wonder if the Minister would just elucidate on the focus on sugar in drinks, when in fact there is sugar content in almost everything that we consume off the shelf. Therefore, in implementing a taxation on drinks, we are only really scratching the surface of the challenge—and whether there is going to be a deeper dive into the resulting challenges of sugar consumption in the aggregate.

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

**Hon. Kim N. Wilson:** Yes, thank you, Mr. Speaker, and thank you for that question from the Honourable Member.

We will be looking at other matters. We recognise that sugar is contained in a lot of consumable items. However, again, at the first instance we are

looking at the ones that have the highest calorie content, that also have the lowest nutritional value, which are soft drinks, sodas, and the juices and the like. So that is the starting point. Again, as the Statement indicated, we are trying to do what we can to help develop a healthier Bermuda. And as such, we have to start somewhere. And that is, the consultation process will start with the sugary drinks such as sodas and juices.

**The Speaker:** Thank you, Minister.  
Supplementary or question? Your second supplementary.

### SUPPLEMENTARY

**Ms. Susan E. Jackson:** Minister, I would like to know what the . . . you did mention, and I acknowledge that you are looking to take out sugary drinks in some of the public government buildings. But I would like to know what more can be done to actually reduce the distribution and availability of sugary drinks on the Island, and the encouragement of *drink more water*, finding other, alternative means of eating foods that are lower in sugar and processed chemicals, and reduce the usage of sugar intake via prohibition of sugary items rather than taxing people who may not be able to afford the additional tax.

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

**Hon. Kim N. Wilson:** Yes. I was trying to write down all the questions at once.

Well, for starters, with respect to the question concerning the water campaign and the increase of water, there are initiatives that are being conducted within the Department of Health by the Wellness Programme, encouraging students in schools to consume water as opposed to sugary drinks. And, in fact, some schools have gone as far as not even allowing children to bring in drink boxes and juice boxes and the like so that they can encourage drinking water more. And that is part of the Wellness Programme that is actually ongoing.

And then, insofar as the question, I believe, that concerned the production of sugary substances? I am not really sure what . . .

*[Inaudible interjection]*

**Hon. Kim N. Wilson:** The who?

**Ms. Susan E. Jackson:** [INAUDIBLE]

**The Speaker:** Beg pardon?

**Mrs. Jeanne J. Atherden:** Clarification, Mr. Speaker.

**The Speaker:** Go ahead, Madam.

**Mrs. Jeanne J. Atherden:** At the current time, they are not allowed to have any sugary drinks in the school; it is water-only.

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

**Hon. Kim N. Wilson:** Ask them what the other question was that the Honourable Member—

**The Speaker:** The other question was about prohibition of items that contain sugar.  
Am I correct?

**Ms. Susan E. Jackson:** That is right.

**The Speaker:** Are you going to put a prohibition on soft drinks coming in? I guess that is what you are asking.

**Hon. Kim N. Wilson:** I am not sure we are actually at that point, where we are trying to prohibit soft drinks from entering the country. But we certainly are looking at, as I indicated, the implementation of a tax, a sugar tax on soft drinks and sodas, for the reasons that I have spoken about previously. But insofar as a prohibition, I am not sure we would go to that extent. That is certainly not something that we are looking to consider.

**The Speaker:** Thank you, Minister.  
Now, the other Member . . . as I indicated, Minister, there were three Members who had indicated they had questions. The second Member is the Member from constituency 22.

The Honourable Member Gibbons, do you still wish to ask your question?  
Yes, you have the floor.

#### QUESTION 1: THE SCOURGE OF OBESITY AND CHRONIC DISEASES IN BERMUDA

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker.  
Mr. Speaker, in the Minister's Statement, she indicates that obesity and lifestyle choices that cause it also lead to the early onset of preventable diseases. The Minister and maybe Honourable Members will be aware that an economist, a couple of weeks ago, Richard Thaler, won the Nobel Prize in Economics—an interesting fellow, because he is one of the few academics whose ideas address real-world problems. Is the Minister aware that the United Kingdom Government actually set up a unit called the Behavioural Insights Team, which was using Dr. Thaler's work to develop policies helping citizens make better choices? It was actually called the Nudge Unit; people may be familiar with that. Is that something that the Minister is aware of, and would the Minister be prepared to look at this? Because it is pretty clear that the situation is

getting worse, not better, despite the efforts of previous governments. Thank you, Mr. Speaker.

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

**Hon. Kim N. Wilson:** Yes, and I thank that Honourable Member for that question. It is certainly something that we are considering. I am familiar with the Nudge Unit. We have seen successes in the UK, and it is certainly something we are looking at implementing here in Bermuda. Thank you for that.

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

The other Member who indicated that he had a question for you, Minister, was the Member from constituency 20.

Ms. Jackson, would you like to ask your question still? Honourable Member Jackson has the floor.

#### QUESTION 1: THE SCOURGE OF OBESITY AND CHRONIC DISEASES IN BERMUDA

**Ms. Susan E. Jackson:** Thank you, Mr. Speaker.

One of my questions is that I would like to know a little bit more around some of the pilot programmes that are being put in place. I see here an enhanced care pilot.

But just as an extension to that, if I may just preface just ever so briefly, there was a screening that took place. This was just sort of a scenario, to set the scene. A screening took place in Bermuda, and the woman, at the end of the screening, was told that she was obese. And the woman laughed and refused to acknowledge the fact that she was obese. When the screener asked her why she did not want to acknowledge the fact that she was obese, she turned to the screener and said, *Well, I'm the thinnest of all of my friends*. So I just want to say that to put things in perspective around how people actually interpret and view themselves, from a health and a size perspective.

So, having staked the place, my question is, there is an effort to collect some data. And through this registry of chronic diseases, I would like to know exactly, or if you can give me some more detail on, how these data are going to be collected and what either incentives or engagements are going to be put in place to actually get the public and private sector, doctors, whoever, to actually enrol in and actively participate in collecting data on people who are living with diabetes. Because as I understand it, there are no data on people who are living with diabetes.

**The Speaker:** Thank you for the question.  
Minister.

**Hon. Kim N. Wilson:** Yes. Well, for starters, the Diabetes Association does keep accurate data with respect to the number of persons who are suffering from diabetes. Thank you.

**The Speaker:** Thank you.

Supplementary? No supplementaries. Minister, those are all the questions that were indicated for you.

We will now move on to the next Statement that Members have indicated that they have questions for. And that would be the Minister for Reform, Minister Foggo. There are two Members who have indicated that they have questions for you, the first being the Member from constituency 22. Honourable Member Gibbons, you have the floor.

### QUESTION 1: GOVERNMENT REFORM PROGRESS REPORT

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

Mr. Speaker, on page 3, the Honourable Member in her Statement talks about disclosure of hospitality and indicates that “an official form will be created and distributed electronically to each Minister and Ministry to ensure that this mandate is operationalised” and talks about things like high-end dinners.

My question is, to whom will this disclosure form be disclosed?

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

**Hon. Lovitta F. Foggo:** Yes.

The reporting is to the PS [Permanent Secretary]. And then that will get passed on should there be a need to do so.

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

**Hon. Dr. E. Grant Gibbons:** Supplementary. Thank you.

**The Speaker:** Continue.

### SUPPLEMENTARIES

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

So, the Minister then is saying, I guess, that the disclosure form will not be made public?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** The path that those forms will take is to the PS and then to the CS [Secretary to the Cabinet].

Thank you.

**The Speaker:** Thank you, Minister.  
Supplementary or new question?

**Hon. Dr. E. Grant Gibbons:** It is a supplementary.

**The Speaker:** Supplementary? Second supplementary.

**Hon. Dr. E. Grant Gibbons:** Yes, thank you, Mr. Speaker.

**The Speaker:** Yes.

**Hon. Dr. E. Grant Gibbons:** So, can the Minister tell us whether the disclosure form will be made public at any point, either online or through other means?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** As this is a Ministerial Code, that remains under the remit of the Office of the Premier.

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

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

**The Speaker:** We recognise the Opposition Leader. Madam Opposition Leader, you have the floor.

### SUPPLEMENTARY

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

Mr. Speaker, I wonder if the Minister could share whether such disclosure forms will be subjected to the PATI (Public Access To Information) request regime.

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** Given the regulations surrounding the PATI, if that fits within that remit, then it will be subject to it.

*[Inaudible interjection]*

**Hon. Lovitta F. Foggo:** Yes. Yes.

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

**Hon. Dr. E. Grant Gibbons:** Additional question. Thank you, Mr. Speaker.



**The Speaker:** Okay. We recognise the Honourable Member from constituency 22. Continue, Honourable Member Gibbons.

### QUESTION 2: GOVERNMENT REFORM PROGRESS REPORT

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker. Since it is pretty clear that the Minister has indicated that these disclosure forms will not be made public, how will issues—

*[Inaudible interjection]*

**Hon. Dr. E. Grant Gibbons:** Well, that was the sense I had.

How will what I will call “repeat offenders” of, to use the Minister’s words, *high-end dinners* be addressed from a sanction or other perspective?

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

**Hon. Lovitta F. Foggo:** That falls under the remit of the Office of the Premier to determine.

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

Minister, the other Member who indicated that she had a question for you was the Honourable Member from constituency 19.

Honourable Member, Ms. Atherden, would you still like to ask your question? You have the floor.

### QUESTION 1: GOVERNMENT REFORM PROGRESS REPORT

**Mrs. Jeanne J. Atherden:** Mr. Speaker, to the Honourable Minister. On page 3, you indicate that a provision for unsolicited proposals has been incorporated into the government procurement practices. And it indicates that this would ensure the fairness and transparency in the handling of unsolicited proposals. And I just wondered if you could perhaps clarify how an unsolicited proposal would be handled through this process?

**The Speaker:** Minister.

**Hon. Lovitta F. Foggo:** When an unsolicited proposal comes in, then it will be subjected to the Code of Practice and the dictates of that Code and, therefore, given whatever is within a matrix to determine that unsolicited proposals will fall subject to it.

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

**Mrs. Jeanne J. Atherden:** Supplementary.

**The Speaker:** Continue.

### SUPPLEMENTARY

**Mrs. Jeanne J. Atherden:** Recognising that there was reference to the Aecon/CCC proposal, I just want to clarify—and also the fact that there was reference to the supremacy of Cabinet in the Bermuda system of government, I just want to clarify that—is the Minister saying that if a proposal came in, that Cabinet would not examine it, but it would go back into the procurement process?

*[Crosstalk]*

**Mrs. Jeanne J. Atherden:** Recognising that in this Statement there was reference to the proposal that was submitted to the Government, such as the Aecon/CCC proposal to redevelop the airport, and there was the suggestion of the supremacy of Cabinet in the Bermuda system of Government, is the Minister suggesting that, if a proposal came in—i.e., an Aecon proposal—under the new proposal that is being suggested, that it would go into the pipeline, if you will, and be looked at, as opposed to dealt with by a Cabinet committee?

**The Speaker:** That is a bit long. But go ahead, Minister. Have you got the point?

**Hon. Lovitta F. Foggo:** Yes.

Once the Project Management and Procurement Code is tabled before this House, I think then the Shadow Minister would be able to put her question forth. Because it will be clear to all Members how that Code will operate.

**The Speaker:** Thank you, Minister.  
No supplementaries?

No other Member had indicated that they had questions for you, Minister.

The other Statement that Members had indicated that they had questions for would be that of the Minister of National Security.

Minister Caines, you have a question from the Member from constituency 10.

Honourable Member, would you like to ask your question? Honourable Member Dunkley, you have the floor.

### QUESTION 1: POLICING ST. GEORGE’S

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

The question to the Honourable Minister is . . . I thank him for the Statement, an update on policing in St. George’s. Could the Minister please give an update on the CCTV camera situation in St. George’s? There were some new cameras in the process of be-

ing installed. So, the question is, are the cameras operable, and are they tied in to the main Island-wide system? Obviously, these cameras can help policing to have a great impact. And the concerns in St. George's will, hopefully, be alleviated in some way by that.

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

**Hon. Wayne Caines:** I will undertake to get that information and bring it at the next available time.

**The Speaker:** Thank you, Minister.  
No supplementaries?  
No other Member indicated he had questions for you, Minister.

The last Statement that Members indicated they had a question would be that of the Minister for Works in reference to his Statement this morning, and the Honourable Member from constituency 20.

Member, would you like to ask your question?

We recognise the Honourable Member Jackson. You have the floor.

#### QUESTION 1: GARBAGE COLLECTION AND TYNES BAY

**Ms. Susan E. Jackson:** Thank you.

Good morning, Minister. My question is around any kind of programme—if you could please give us more detail on any programme to assist some of the garbage collection along the historically small carriage lanes and streets in Bermuda, especially people who may be physically disabled or are seniors and having a difficult time getting garbage to the end of their main roads for collection, and if there is any thought to [making an] investigation into how garbage may be collected along these smaller roads.

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

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, one of the challenges is that the vehicles that normally are used, traditionally used to go up these roads, are the ones that are some of those that are out of service.

**The Speaker:** Um-hm.

**Lt. Col. Hon. David A. Burch:** It is a problem that we are addressing. Many of those people call the Ministry, and we make efforts to assist them in getting their garbage collected if they are incapable of carrying it to the main road.

**The Speaker:** Thank you, Minister.  
Supplementaries? No further questions?

That brings us to the end of the Question Period this morning. Thank you, Members and Ministers, for your contributions.

Now I will move on to the next item.

### CONGRATULATORY AND/OR OBITUARY SPEECHES

**The Speaker:** I recognise the Honourable Minister.  
Honourable Minister from constituency 14, you have the floor.

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

Mr. Speaker, this past weekend at the Hamilton Seventh-Day Adventist Church, the church acknowledged on International Day 11 members of the Jamaican community who had been outstanding in the last 40 years, making a commitment to our community. I would just like to read those names, Mr. Speaker. Mr. Winston Laylor; he serves Bermuda as Jamaica's honorary consul. He has been holding this post for a number of years. He is also a schoolteacher. Mr. Courville Hilton, a police officer in Bermuda for over 24 years, also serving in a local band in Bermuda. We have Mr. Headley Stephenson, Mr. Speaker. He is a local construction magnate who had done a number of things in our community. Then we have Ms. Olga Scott. She had led in Bermuda in Teen Services and in the helping agencies.

*[Desk thumping]*

**Hon. Wayne Caines:** We have Mr. Keith Cunningham, OBE, who has served Bermuda as the Government Pathologist for a number of years. We have Ms. Merlin Burt. She is the mother of our Premier.

*[Desk thumping]*

**Hon. Wayne Caines:** She has led Bermuda as a business owner, as a leading member of our spiritual community in Bermuda, and as my godmother, Mr. Speaker. You have Ms. Ellen Douglas. Ms. Ellen Douglas has been an advocate for the educationally challenged for a number of years. We have Mr. and Mrs. Ranville Thomas, the owners and proprietors of the Jamaican Grill. And they were acknowledged for their service. We have Ms. Shernette Caines.

*[Desk thumping]*

**Hon. Wayne Caines:** She is another member of the Jamaican community who got acknowledged.

**The Speaker:** Has she got any affiliation in this House?

**Hon. Wayne Caines:** Yes, sir. She has a son named Dwayne Caines.

[Laughter]

**Hon. Wayne Caines:** And many others. Yes, indeed.

Ms. Evelyn Brown. She is a nurse and has been in the nursing arena in Bermuda for over 30 years. Justice Norma Wade-Miller. She has also, as you know, Mr. Speaker, served this country with distinction. And Mr. Bruce—Mr. Tennyson George Bruce, a local entrepreneur who has had a garage on the Parson's Road that has serviced many of our vehicles for over 40 years.

Mr. Speaker, though our country is made up of a number of people, and oftentimes on this side we are accused of being xenophobes . . . but this is just a highlight of some people in our community who make the tapestry beautiful in Bermuda. And we just wanted to acknowledge members of the Jamaican community who have served over 40 years, with distinction, in Bermuda, Mr. Speaker.

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

I recognise the Honourable Member from constituency 32.

Honourable Member Simmons, you have the floor.

**Mr. Scott Simmons:** Yes, thank you, Mr. Speaker, and good morning.

I rise today and ask that we recognise the passing of Mrs. [Willa] Yvonne Tucker. I ask that Members of the House be associated. I realise that certainly the Honourable Minister of National Security; you, Mr. Speaker; your son, the MP Lister; and also, MP Jackson very much want to be associated with this.

**The Speaker:** Thank you.

**Mr. Scott Simmons:** So, the whole House will be associated. Mr. Speaker, Ms. Tucker, her daughter was in my class at the Bermuda Institute, [where] we enjoyed many days. And I got the opportunity of getting to know Mrs. Tucker as a result. She was a wonderful lady, and I appreciated the time that I had to spend with her. And so, I ask that we recognise her today.

Also, in the same vein, Mr. Nathaniel Reid Outerbridge from Spar Lane in Sandys. Mr. Speaker, I can say without any reservation that many will remember Mr. Outerbridge for his rather gregarious character. And I recall the times that he spent at Ely's Harbour public dock area, where my uncle and he and many, many others kept their boats. We cleaned fish, and we talked at times. But I have to say this, that I remembered the times and the riotous conversations that he had with my uncle, Edward "Icewater" Smith; his brother, Robert "Small-Eyed" Smith; Mr. Wendell "Scopsie" Hassell; Mr. "Boxhead" Romaine; and Mr. Coolridge Coolie; or Coolie Fubler, among many, many others.

Mr. Speaker, I recall humorously when Mr. Outerbridge was introduced to the waters of the open Ely's Harbour at the inlet by my uncle, when discussions between the two or the three became quite agitated. So, I can tell you that he was a person who was well loved and well liked. So, therefore, I wish to state that those fond memories at times . . . and I also believe I can speak and want to mention the Somerset community, both the corporate professional and the rest, the New Woody's Drive Inn Two, and also the Charing Cross Tavern and also the prison officers. And I have been asked that the MP Neville Tyrrell, and also the Honourable Tourism Minister be included, the Honourable Jamahl Simmons to be included in our condolences. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

I recognise the Honourable Minister. Minister Burch, you have the floor.

**Lt. Col. Hon. David A. Burch:** Mr. Speaker, I would like to be associated with the congratulations to the Jamaican community. Many people will know that it is my second-favourite place on the planet.

I would like, Mr. Speaker, for a letter of congratulations to be sent to all of the participants in the Bermuda International Gombey Festival Showcase that was held on Saturday, the 7<sup>th</sup> of October. Mr. Speaker, oftentimes, people ask, *Who is a Bermudian?* And I can say, without fear of contradiction, that a true Bermudian is defined by anybody in this country whose spirit is moved at the sound of the Gombey. And on this occasion, Mr. Speaker, there were about six troupes that participated. And so, for those who might have thought that it is going to be repetitive and boring, that was not the case at all.

**The Speaker:** No. No, not at all.

**Lt. Col. Hon. David A. Burch:** It was the most amazing display of our culture, with each Gombey troupe having its own unique characteristics and sound and dance and uniforms. And so, Mr. Speaker, it was just an absolutely amazing evening. And so, I congratulate the department that put it on, but particularly the participants.

Mr. Speaker, I would also ask that congratulations from the House be sent to two dynamic young ladies, both born on the same day, mother and daughter. And I speak of none other than Sister Helena "Molly" Burgess, who on the 10<sup>th</sup> of October went 80 years old, and her daughter, Terry Ann Smith, who went 60 years old. There was an absolutely fantastic and glorious celebration, surprise celebration, at the Fairmont Southampton of the 14<sup>th</sup> of October, attended by, I would guess, well over 600 people, Mr. Speaker. I mean, it was an absolutely delightful night, and certainly a tribute to, particularly in the case of Sister Molly, a giant in this community, someone who

has, I think, been through every president the BIU [Bermuda Industrial Union] has had, just about, certainly in modern times, anyway. She has served the BIU and the people of Bermuda, particularly the hotel industry, with tremendous distinction. She is a remarkable lady who still goes to work every day and puts in a good day's work, at 80 years of age. And I think they are probably going to need dynamite to get her out of that office. You cannot even mention the word "retirement" to her. So I would like that the House would send congratulations to both her and her daughter, Terry. Thank you, Mr. Speaker.

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

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

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

Mr. Speaker, I had the pleasure over the last couple of days of attending various parts of the Convergence 2017 conference, put on by the local ILS (insurance-linked securities) Conference Group. And I would ask that congratulations be sent to Greg Wojciechowski, who is the Chairman, and as people will know, is the CEO of the Bermuda Stock Exchange; and Kathleen Faries, who is the head of the local Tokio Millennium Re operation. Very timely because, with the various hurricanes that have gone through in the last month or so and the impact on CAT bonds and the flooding in Texas, and the rest of it, there were a lot of very interesting presentations. I was particularly struck, actually, by the speech that Mike McGavick, the CEO of XL Catlin, gave, talking about some of the issues involved with insurance growth, very germane to Bermuda, obviously. But he looked at it on a worldwide basis, and particularly issues of cost, technology coming along and, probably most importantly, the issue of trust in terms of how people see insurance and reinsurance.

Mr. Speaker, while I am on my feet, I would also like to ask that congratulations be sent to Lisa Howie, who Honourable Members will know as the Executive Director of the Bermuda National Gallery. She has been in the position since 2009 and is stepping down. I think the Executive Director of the Gallery is not an easy job, but I think, under her leadership and certainly that of Gary Phillips, it has grown in stature over the last few years.

*[Inaudible interjection]*

**Hon. Dr. E. Grant Gibbons:** And certainly, I think the whole House probably would ask that she be recognised for her contribution.

And finally, Mr. Speaker, there is another individual who is stepping down. And I guess there will be more to say about this individual. But I gather that Dr. Ed Harris of the Maritime Museum is due to retire fair-

ly soon, or at least he has announced his retirement. I think it is only appropriate that the House recognise his contributions, as well, over quite a few years. He can be a controversial individual; I think we have all seen that. But he has made, certainly, significant contributions to Bermuda's cultural and other heritage, and I would ask that the House recognise that.

Thank you, Mr. Speaker.

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

I recognise the Honourable Deputy Premier. Deputy Premier, you have the floor.

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I would like to be associated with the remarks pertaining to Dr. Edward Harris and his long-standing work in archaeological science, and certainly as an advocate for developing the history of Bermuda, its maritime history and its history as part of the Atlantic, the greater Atlantic. He is also known for some quite revolutionary developments in his area of science, and it is amazing that a gentleman of that stature, who has actually contributed internationally to his field, found contentment being home in Bermuda, where he has obviously made a great contribution to Bermuda. And I certainly think that perhaps the whole House, if they have not already, would like to be associated with that.

**The Speaker:** Mm-hmm.

**Hon. Walter H. Roban:** I would also like to ensure that congratulatory recognition is given to the West Indian Association for their successful telethon last Thursday. And I do not think we need to restate a lot of what significance that a success like that has. It is going to help an incredible number of persons and communities in the West Indies. It is a great gesture from all of our countries, because so many people donated. Thousands of people donated. They went beyond their target of \$100,000. Persons in this House participated, a number of Members. Myself, I saw Lt. Col. Burch there; certainly, the Opposition Leader was there, and other members of the community.

**The Speaker:** Many of us phoned in.

**Hon. Walter H. Roban:** Phoned in.

**The Speaker:** Yes.

**Hon. Walter H. Roban:** Made donations . . . from all walks of life.

So, everybody and the whole House, I am sure, wants to be associated with that because this was a success for Bermuda, not just for a few persons.

With that, Mr. Speaker, I will take my seat. Thank you very much.

**The Speaker:** Thank you.

I will now recognise the Deputy Speaker. Deputy Speaker, you have the floor.

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

Mr. Speaker, I would like for this House to send a letter of appreciation to Mr. Ronald Smith, who is a long-serving employee of the Government in the Social Insurance Department. Mr. Smith was one of those that, when he went there, he went out of his way to help you and service you. So I am really, really thankful for the service that he has given to the Government and the people of Bermuda.

Mr. Speaker, I would like to be associated with the remarks concerning Reid Outerbridge. Reid Outerbridge was a member of the Bermuda Industrial Union. Also, he was from Incubator, down in Devonshire. Some people do not know what “Incubator” is.

**The Speaker:** He came west there, you know. He came west.

**Hon. Derrick V. Burgess, Sr.:** He came west to help them out up that way.

[Laughter]

**Hon. Derrick V. Burgess, Sr.:** And, you know, that is what we did down in the east.

Also, I would like to be associated with the remarks on the Jamaican community. Mr. Speaker, with the Jamaican members of the Caribbean Congress of Labour who approached me to run for the Vice President of the Caribbean Congress of Labour, they lobbied for me and they voted for me. And there I became the Vice President of the Caribbean Congress of Labour.

Mr. Speaker, I also want to be associated with the remarks concerning Molly Burgess. Molly Burgess made the ultimate sacrifice. She sacrificed everything to serve the people of this country. A very quiet individual, does not look for much. But she serves her people with commitment. As we said in her celebrations the other night, the hallmarks of Molly Burgess are integrity and trustworthiness. Molly served four presidents, from Robert Johnson up to the present president, and she served all of them very well. Although she is 80, I just hope she goes on a little longer because her service I do not think you can replace. When I talk about “replace,” as people say, *You can replace anybody*. But you cannot replace Molly Burgess, particularly the calibre of person she is.

So, Mr. Speaker, again I also want to wish her daughter a happy birthday. She does not look 60, but she is—Terry, her daughter.

Mr. Speaker, thank you.

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

I recognise the Honourable Member from constituency 26. Honourable Member Tyrrell, you have the floor.

**Mr. Neville S. Tyrrell:** Thank you very much, Mr. Speaker, and good morning to all.

Mr. Speaker, I rise on two points. The first one is a bit of a sad note. I have asked the House to send a letter of condolences to the family of the late Priscilla Delores (nee Belboda) Williams, from Bulkhead Drive in my constituency. I met Delores a very, very long time ago—a very lovable-type person. She surely will be missed by her children, Christopher, Deidre, and Colin, because she was a very lovable mother. In fact, she was planning her 73<sup>rd</sup> birthday party when she took sick very suddenly last week, and did not get a chance, obviously, to enjoy it. But I ask for a letter of condolences to be sent.

On a brighter note, Mr. Speaker, I ask that a letter of congratulations be sent to the Dream Girls Club, and Ms. Margaret Giloth, who actually runs the club and has been running it for well over about 12 years now. And recently, [the club] gave scholarships, under the name of the Phenomenal People’s scholarship, to two very deserving young ladies by the names of Maegan Costa and Britney Bannister. This is a club, Mr. Speaker, that helps young ladies, grooms young ladies (I think that is the word I would use)—grooms them into adulthood and to become good citizens of this country. And I think it will be well deserved. Thank you, Mr. Speaker.

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

I recognise the Opposition Leader. Madam Opposition Leader, you have the floor.

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

Mr. Speaker, I would like to associate particularly with the comments made by the Honourable Minister Caines with respect to the honouring of members from the Jamaican community, and by extension, linking the West Indian Association with how people who are not Bermudian, who have not come from this place, can make significant impact both in terms of how they have interspersed within our community and contributed thereto, as well as their benevolence in ensuring that people from their places of origin, when suffering hardship, have the opportunity to receive some kind of relief, as was seen. I think that Damian Brewster, as the President of the West Indian Association, in pulling together the telethon, which was tremendously successful, also deserves credit for how his association has stepped up to the plate. So, I would like to associate with those.

In terms of the Honourable Minister Burgess's comments on the Gombey Festival, you know, I can remember as a child, Mr. Speaker, being actually afraid of the Gombey. And as time goes on, you cannot help but get into the groove. The Gombey Festival was absolutely phenomenal, and I would like to extend our congratulations from this side of the House to the members of the Cultural Department for helping to facilitate that particular event.

I would also like to ask that this Honourable House send congratulations to the MOVE organisers of the *Day for Unity in the Community*. They had a very successful event, at which one of their guest speakers was Gina Spence-Farmer, who spoke of the challenges of children who have been left behind by gun violence and the like, and basically brought a very real message of how the community has a responsibility to help and to assist when we have fallen soldiers within our midst.

And finally, Mr. Speaker, I would like to be associated with the condolence remarks that were extended by the Honourable Member Simmons with respect to Mrs. Willa Tucker. Mrs. Tucker—and I will speak from a different perspective, apart from the fact that it has already been acknowledged that she was an absolutely wonderful person—is an individual who, you can guarantee, Mr. Speaker, on a Friday morning . . . I believe that all of us in this Honourable House in the execution of our duties require extra prayers. And on a Friday morning, I can say that this woman, Mrs. Tucker, was an absolute prayer warrior. And with her Praise and Prayer Team, she made sure that she sent up prayers every week for the successful conduct of our House in our oversight of the public and the business of the people. So, that selflessness that she exuded is certainly something that I will forever treasure, and she will be tremendously and very deeply missed.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

I recognise the Honourable Minister. Minister De Silva, from constituency 29, you have the floor.

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

Mr. Speaker, I would like this House to send congratulations to our Under-17 [Woman's National] Football Team.

*[Desk thumping]*

**Hon. Zane J. S. De Silva:** Yes, sir, Mr. Speaker, I am sure you are well aware that they stand on the cusp of history here, as we talk today, because if Jamaica draws or beats Trinidad tonight, Bermuda will be playing in the finals. So we certainly wish to extend our . . . I am sure everybody in this House, Mr. Speaker, extends the best of luck to our Under-17 girls who, as we know, have already accomplished so much this year. And I think this would be—*cherry on the top*

would be an understatement if they were to go ahead and make the finals and then win the competition, in itself, Mr. Speaker. So let us keep them in our prayers and thoughts, because tonight is the big match between Jamaica and Trinidad. And with a bit of luck, our girls will be playing in the final.

Thank you very much.

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

I recognise the Honourable Member from constituency 10. Honourable Member Dunkley, you have the floor.

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

Mr. Speaker, I would like to start out where the Honourable Minister just left off in congratulating our young ladies in the Under-17 team. Just to see the pictures that have been in the newspapers and other areas where you could see them, just to see the joy in their faces, it is obvious that they are a very tight and strong team. And they can be a lesson to all of us as they go forward, how they work together and get the results. The results they have gotten at this point in time are certainly tremendous. And I have every confidence, as I am sure all colleagues in this House do, that those results will continue. What a fantastic team!

I have seen some of those young ladies grow up. I have played some sports against some of those young ladies. And I have every confidence that we will have success as we go forward. But we need a little help. So let us pray for that, as the Minister said.

**The Speaker:** You were not playing in the ladies' league, were you?

**Hon. Michael H. Dunkley:** No, Mr. Speaker. I was playing in the Celebrity Cricket Classic.

**The Speaker:** Okay. I just wanted clarification.

**Hon. Michael H. Dunkley:** Young Leilanni [Nesbeth] was there, and she is obviously a very good footballer, but [a very good] cricketer, as well.

Mr. Speaker, I would like to take this opportunity just to take a few seconds to support honourable colleagues and the Honourable Member Simmons in the condolences to Willa Tucker. It has been expressed that she was a family lady with a strong group of friends, that she was a prayer warrior, and that she contacted many of us on a regular basis. And today was the first day that we have not been guided by her prayers. So it is a tough day for many in her prayer group, Mr. Speaker. But also, she was a teacher for, I believe, 40 years in the East End of the Island at St. David's Primary. I am sure that there are some people in this House today who were guided and mentored by Willa, as she was down there for a long period of time.

I was honoured to be able to attend the homegoing service a couple of days ago. And it was very clear to me that not only was she committed to her profession and her family, but she was committed to people, because she was a mentor for people, and many people called on a regular basis to just confide in her and to get some advice. So it was a sad day, to have to go to the homegoing service, but it was a proud day to see a woman who had touched so many in our community.

Mr. Speaker, I would like to take this opportunity this morning to send condolences on behalf of myself, and I am sure all honourable colleagues in this House would like to be associated, as well, to the father of our former colleague, Jefferson Sousa, whose father, George Edward Sousa, passed away over the summer period, Mr. Speaker. I had the pleasure of knowing Mr. Sousa as a younger man. And the first time I came in contact with him, I was impressed by the way he was put together, by the way he carried himself, and by his passion for the community and our people. Mr. Sousa was a unique Bermudian in the fact that he played sports for Bermuda in four different professions. He played football, which he is well known for. He was a very keen golfer. He also was very good at ping-pong and fast-pitch softball. He represented Bermuda at all levels. I believe he captained the Bermuda Football Team in the middle to late 1950s for a couple of years. He was the first Bermudian who actually raised the FA Cup in 1956.

*[Timer beeps]*

**The Speaker:** Thank you for your contribution, Member.

**Hon. Michael H. Dunkley:** But on behalf of my col-leagues, condolences to the Sousa family.

**The Speaker:** Thank you.

I recognise the Honourable Government Whip. Honourable Member Weeks, you have the floor.

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

Mr. Speaker, I would like to start off my remarks by asking to be associated with the Under-17 Women's [National] Football Team. It is a tremendous accomplishment, and it is always good when we see our youngsters perform so admirably. Because, so often, when we hear about youngsters, we hear about them in a negative light. So, hats-off to our Under-17 ladies, and we hope that they keep going, go as far as they possibly can, because they have the quality in that team to do so.

**An Hon. Member:** To get to the top!

**Mr. Michael A. Weeks:** To get to the top, most definitely.

Mr. Speaker, I would also like to have some words of congratulatory sentiments for the Gilbert & Sullivan [Society of Bermuda] on their successful production of *The Wizard of Oz*, right now playing in Bermuda. They have had about six successful shows. And I have heard nothing but good things about them. One person in particular I want to highlight is Mr. Angelis Hunt, who is actually the Scarecrow. And he showed remarkable acting ability. So, look out for other great things from him.

Mr. Speaker, as I move on, I also want to associate myself with the remarks by the Honourable Deputy [Speaker] for the exploits of the West Indian Association, the monies raised for our brothers and sisters and our cousins and aunties down around in the Caribbean. Because I, like most of us, have some close roots from down there.

**The Speaker:** Yes. Many of us do.

**Mr. Michael A. Weeks:** So, it was like something happening to our own, away from home, down there.

**The Speaker:** Mm-hmm.

**Mr. Michael A. Weeks:** So the good work that our community has done by coming together and raising those funds was heart-warming, as we all remember that those are our family members down in the Caribbean.

Mr. Speaker, on a little sombre note, I also want to associate myself with the remarks for Mr. Reid Outerbridge. Mr. Reid Outerbridge, as so humbly known in our family because he was my wife's uncle—called him "Uncle Snoots." He was truly a character, and he always made it known he was from In-cubator. My father-in-law, who was his brother, always talked about the exploits, [such as] they used to drink the pond water. And he told us a whole lot of stories. But Uncle Snoots was really the life of the party in the family. And I could not take my seat without associating myself with the remarks, the heartfelt remarks, for Mr. Reid Outerbridge. Thank you, Mr. Speaker.

**The Speaker:** Condolences to your family.

**Mr. Michael A. Weeks:** Yes.

**The Speaker:** Any other Member?

I recognise the Honourable Member from constituency 36. The Honourable Member Scott, you have the floor.

**Hon. Michael J. Scott:** Thank you, Mr. Speaker.

Mr. Speaker, just following on from the Government Whip's condolences, too, Mr. Outerbridge—I would like to be associated with those condolences.

What a lovely gentleman. I had the opportunity to canvass with him. And I knew I was in the presence of a very decent gentleman. Some of the neighbours who, at Christmastime, will miss the clanging of pots. He seemed to be a great cook. But they could hear the pots going on with his *toings and froings* as he was pulling together something of good taste down in his home. So, he will be missed in the Somerset/Dockyard community.

Mr. Speaker, I would like to also ask that this Honourable House send condolences now to the family of Mrs. Lucille Harvey Zuill, a mother of our Allen Temple AME Church, a great mother of Somerset.

**The Speaker:** Yes.

**Hon. Michael J. Scott:** She was the surviving widow of Erskine Zuill, and the mother of the Harveys, John and Robert and Tommy, and Jamie Zuill and Erskiline Zuill [Tucker]. The Minister of Health is wanting to be associated—

**The Speaker:** As well as the Speaker.

**Hon. Michael J. Scott:** As well as the Speaker. [She was] a faithful member of Allen Temple AME Church, where the Honourable Member, Mr. Swan, from St. George's, must have come across this kind and dear and faithful lady. And so the Harvey and Zuill families, all of the children, I ask this House send condolences there to the family of Mrs. Lucille Zuill.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

I recognise the Honourable Member from the East End of the Island, from constituency 1. The Honourable Member Ming, you have the floor.

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

I would like to take this time to send congratulations to the St. George's Steppers. They were the winners, and you heard it in the Minister's brief today. And I am pretty sure that we all know that it doesn't take—it is not easy to make 50 million steps. I just want to also note one lady in particular, whose name is Marlene Jones. She lives down in my area, and if anyone knows anything about St. George's, she is the lady everybody describes as *that lady that walks*. Because all you do is see her walking all around. I associate MP Swan with that. So I just want to say that she would do our community walk on Saturdays, and then head off to do another 10 miles on top of whatever we had done. So, I just want to make sure to note that she was extremely committed to that.

**The Speaker:** Did she encourage your team to get fit, too, through walking?

**Mrs. Renee Ming:** Beg your pardon?

**The Speaker:** Did she encourage your team to get fitter?

**Mrs. Renee Ming:** Yes.

**The Speaker:** Thank you.

**Mrs. Renee Ming:** We are working on it.

**The Speaker:** Good.

**Mrs. Renee Ming:** At the UNESCO World Teachers Day, we honoured Sheila Johnson, and we also honoured Mary Lodge. Now, Sheila Johnson was the Principal at East End from 1974 to 1994. That means that she would have been principal during the time that I was there. It was an honour to see her. She is 80-plus years now. She still has all her faculties. And she was actually honoured by the mayor, who is also an ex-student, and myself, who is an ex-student, too. That was actually really good.

I want to also acknowledge the Special Olympics. They started the relay in St. George's on Saturday. We were down for that. I want to make sure that I acknowledge the work of Alicia Zuill, because she is on us to make sure that she keeps the awareness going—I want to associate MP Weeks with that—with regard to the Special Olympics and just special people. So I just want to say that we acknowledge her for her work.

The AME Church, for their First Episcopal District YPD 46<sup>th</sup> Annual District Meeting that was held in Bermuda last weekend. And there were approximately a couple of hundred people who came down, and it was held at the Fairmont Southampton Princess. And it was mostly for young people, Mr. Speaker, but others attended, as well. And it was just a time to reflect and to look at our spiritual roots. And also, to Inter-Island Communications for their *Praise Team* concert.

And then, I have to do this one before I finish up, Mr. Speaker, and that is to the Berkeley Institute, because I know that there are several Berkeley-ites who sit in these Chambers.

**The Speaker:** Respite Finem.

**Mrs. Renee Ming:** And that is for the 120 years of greatness! And there are some Founders Day celebrations that are happening today. And I just note, because this is my time, that no matter what House you are on, we only had two, Green and Gold. We have always known that Gold House was the best.

[Crosstalk]



**The Speaker:** Well, well . . . well, now. I am obviously Green House.

*[Inaudible interjections]*

**Mrs. Renee Ming:** I am not starting anything in these Chambers, but it is my time, Mr. Speaker, and those are my thoughts.

**The Speaker:** Green House. Yes. Yes.

**Mrs. Renee Ming:** And also, just this last one thing is that we fail to acknowledge sometimes our own. The PLP Annual Delegates Conference Team, because last week they had a preconference—

*[Timer beeps]*

**The Speaker:** Thank you for your contributions, Member.

**Mrs. Renee Ming:** Yes. Thanks.

**The Speaker:** I now recognise the Premier. Premier, you have the floor.

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

Mr. Speaker, I would just rise very quickly to associate myself with remarks that have been given by Members, of congratulations, of course, for the Under-17 Women's [National] Football Team.

Also, to associate myself with congratulations for, of course, the wonderful Mrs. Molly Burgess, for her 80<sup>th</sup> year, and as she continues to be a trailblazer in the area and a model of someone who has given a lifetime of service and cause that she so much depends on.

And additionally, I would like to give congratulations, and I am uncertain if they have yet been done. But, congratulations, certainly, to BF&M and the breast cancer events which have been taking place. There was the very large Breast Cancer Awareness Walk, which took place on Wednesday.

**The Speaker:** So, your pink tie, right?

**Hon. E. David Burt:** Of course, I am interested because my wife was, I think, the patron or the honorary patron, of this event. But it was an excellent event. My whole family was out for the walk; I know the Minister of Health was there, as well.

But I just wanted to add my association and/or congratulations to those items, Mr. Speaker. Thank you.

**The Speaker:** Thank you.

I recognise the Honourable Minister. Minister Simmons, you have the floor.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Speaker, and good morning, all.

I would like to send out congratulations to Mr. [Sidney] Mello at the Rosewood Tucker's Point. Colleagues and the listening audience may remember that, about a week or so ago, he put himself at risk to rescue one of our visitors who was experiencing difficulty in the water. And I think he is to be commended. Everything I have heard about this young man, in terms of his dedication to his work, in terms of his customer service level as a beach supervisor there, have been impeccable. And he continues to show that Bermudians are the best when it comes to tourism.

Mr. Speaker, I would like to give my condolences to the family of Mr. Stephen Proctor, who passed rather tragically earlier this week. Many know him from the community for his work as an electrical contractor, and it is very unfortunate to hear of his passing.

While I am on my feet, I would like to also pass condolences to the family of Ms. Barbara-Ann Outerbridge Tucker, another person who, in her recent years, was very involved in the tourism industry. People knew her from the gift shop at Crystal Caves. And I understand—I did not have a chance to sample, despite the fact that I am at my 40-inch waistline—that she was quite an impeccable chef as well.

*[Inaudible interjections]*

**Hon. Jamahl S. Simmons:** Other Members would like to be associated with that, as well.

I would like to add myself to the congratulations to Sister Molly Burgess on her attainment of her 80<sup>th</sup> birthday. I wish her many more years of health, prosperity, and continuing to fight for the people of Bermuda.

I would like to also add myself to the congratulations for Lisa Howie, Ms. Lisa Howie, on her retirement as the Executive Director of the Bermuda National Gallery; and to Mr. Ed Harris of the Maritime Museum for his retirement, as well, and his tremendous contribution to Bermuda.

And while I am on my feet, I would like to join my colleague from the east in congratulating Berkeley. I do not remember what house it was on, but I think it was the one that was the smart one.

**The Speaker:** Green House!

**An Hon. Member:** Green House!

*[Laughter]*

**Hon. Jamahl S. Simmons:** Thank you.

**The Speaker:** Green House! All the way! That is right.

I recognise the Honourable Member from constituency 9. Honourable Member Moniz, you have the floor.

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

Firstly, I would like to be associated with the birthday wishes to Molly Burgess. I had the pleasure, you might call it, when I was Minister of Public Works, of being across the table from her. She is a wonderful individual, but a very resolute and tough negotiator. And she has done a wonderful service to our community.

I would also like to be associated with the retirement wishes to Dr. Harris, who is a very good friend of mine. What one of the Members was referring to earlier, he invented what is known as the “Harris Matrix,” which is used throughout the world in archaeological digs. He has done long service for Bermuda. And I am sure he will continue doing that service after his retirement. He is not the sort of individual who could stop. He is full of energy.

I would also like to, at the same time, congratulate the Maritime Museum on the publication of a new book, *Bermuda Maps*, for which the text was written by Jonathan Land Evans. That was a great academic work. It took years to bring together, particularly to bring together all the maps. It had the assistance of the Brian Duperreault map collection. And there was a reception last evening, which was attended by the Minister of Community Affairs. And, hopefully, people will be looking for that magnificent book as a Christmas present for their friends.

Lastly, I have the sad position to bring condolences to the family of Molly Godet. Molly Godet passed away in London last evening. She was one of Bermuda’s premier artists. She won the Charman Prize a few years ago. She was part of the Plein Air group. Her daughter, Eve, contacted me this morning, so I would like to give condolences to Eve and Charlie, her children. She was also a great (originally) ballet student of Louise Jackson.

She subsequently attended the Central School of Art and Design in London and became a graphic designer. She rose to be a director of a large advertising firm, *Publicis Groupe*, a French advertising firm in London, and travelled the world. She was making TV commercials for all sorts of people, like Volvo cars, back in the day, and retired back to Bermuda some 12 years ago, when she joined the Plein Air group. She was a regular participant in all the art shows and was a very powerful, creative, and wonderful personality. I would just like to give our appreciation and our condolences to the family of Molly Godet.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Any other members? I recognise the Member from constituency 19. Honourable Member, you have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, I would like to be associated with the remarks that were sent to the MOVE group for their community day, because I thought that it was one of those events where they did not just give you food, because food was provided, but they gave you food for thought. Because they made sure that there were a number of people who were there . . . in addition to Gina Spence-Farmer, there was Erica Smith, from the Bermuda Economic Development Corporation, talking to people about what they could do, if you will, to improve themselves, how Government was making available to them funds to help them get up and effectively, if you will, empower themselves. Because, as people will appreciate, the MOVE group is designed to help people empower themselves and move forward, which I think is very commendable.

Also, Mr. Speaker, I would like to be associated with the congratulations to Molly Burgess. I knew Molly from back in the hospital, which was a long time ago. And even though I did not have to be across the table, I was obviously interactive with her over time. And she is one of those persons of whom I could truly say that I would class as a woman of stature. She actually was not just interested in her members from a union perspective, but she was interested in them entirely. Therefore, I appreciate the fact that she has done all of these things, and I congratulate her on her 80 years’ birthday. Thank you.

**The Speaker:** Thank you.

Would any other Member wish to speak?

I recognise the Honourable Member from constituency 4. Honourable Member Furbert, you have the floor.

**Mrs. Tinee Furbert:** Good morning, and thank you, Mr. Speaker.

I would just like to offer or ask that condolences be sent to the family of the young Ms. Le-Jai Simmons. Le-Jai Simmons was the daughter of Leslita Simmons and Mr. Jay Ming, who suddenly lost her life last week. And so, I just want to send condolences to her family and friends.

And also I am sending condolences to the family and friends of Dereiko Evans-Denbrook. Dereiko was a gentle spirit, humble spirit, and was loved by his family and friends. Despite his physical challenges, he is an example of a fighter in all of his spirit, body, and mind. So I want to send condolences to his family and his friends.

Also, wanting to send congratulations to, again the Bermuda Boccia team, who returned to the Island October 1<sup>st</sup> from Kansas [City], and they represented Bermuda—Ms. Yushae DeSilva-Andrade, Ste-

ve Wilson, Omar Hayward, and Jamal Bean. I am just grateful that our people with disabilities are able to represent Bermuda and represent Bermuda well.

Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member . . .

It looks like we have got an East End thing here. I recognise the Member from constituency 2. Honourable Member Swan, you have the floor.

**Mr. Hubert (Kim) E. Swan:** Yes. Thank you, Mr. Speaker, and good morning to you.

Mr. Speaker, I would like to be associated with the remarks going out to Molly Burgess and Terry Burgess, who I know are both celebrating milestone birthdays, and indeed on the same day—two outstanding persons whom I get to share time with every time Cup Match is in St. George's, because we have our spots next to each other. Unfortunately, they have had the time to celebrate of recent years, and I hope that changes very soon, Mr. Speaker.

**The Speaker:** Well, that is because they support the team from the West.

**Mr. Hubert (Kim) E. Swan:** Mr. Speaker, I would like to be associated with the congratulations going out to the entire Under-17 ladies football team for their outstanding performance. To defeat Jamaica as they did is outstanding in its own right. And just on what they have done to date, they need to be thoroughly congratulated. Leilanni Nesbeth, I can tell you, I coached her in golf. And any sport that she takes up, she is just naturally gifted. She went to England on a cricket scholarship and was snapped up in football by a first division, premier division football team.

On condolences, I would like to be associated with the condolences going out to the family of Stephen Proctor, [from] Over Plus Lane, from way back when, as the Honourable Member from Sandys spoke earlier, he was indeed a very accomplished electrician. That was his trade when he was a young man, and loved his football for the Eagles as well.

And also, the family of Lucille Harvey Zuill. My family on both sides, my grandfather's mother, was a Zuill. So Erskine would have been my grandfather's nephew. And indeed, the Harvey family, while being Ikey Hall's great-grandson, I can say no more—just to say that, to John and all the family from around there in that Somerset Bridge community, I send my deepest condolences.

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

I recognise the Honourable Member from constituency 11. Honourable Member Famous, you have the floor.

**Mr. Christopher Famous:** Good morning, Mr. Speaker, and good morning, Bermuda.

First of all, Mr. Speaker, I want to say thank you to the West Indian Association. I want to associate with other Members. I want to give particular thanks to Ms. Chandra Prasad, whose brainchild it was for the telethon. Also thanking the management and staff of ZBM and Digicel, who made it possible.

Mr. Speaker, I want to associate with remarks for Le-Jai Simmons, as she was actually my cousin. Her grandmother, Juanita Webb, was first cousin to my father.

Mr. Speaker, I want to thank the staff of Works and Engineering Solid Waste Department, who daily pick up what we throw. Often, we forget the workers of Bermuda, and if the workers of Bermuda do not work, we see what happens. So I want to give thanks to those persons in the white trucks every day.

Mr. Speaker, every week, we hear about God's country up west.

**The Speaker:** Well, you are correct. You are correct.

*[Inaudible interjections]*

**The Speaker:** You are correct. Go ahead.

**Mr. Christopher Famous:** Then we hear about God's country down east.

**The Speaker:** Well . . . well.

**Mr. Christopher Famous:** And then we hear about the Bible Belt.

**An Hon. Member:** Yes.

**Mr. Christopher Famous:** But, Mr. Speaker, to get to heaven, you have got to pass through what, the Pearly Gates, right?

**Some Hon. Members:** Yes.

**Mr. Christopher Famous:** So, I want to thank the people of Pembroke and Devonshire, who every day these people have to let the people of east and west pass through the Pearly Gates. So, any MP on both sides who represents Pembroke or Devonshire, I want to thank you all and thank the people of that parish.

Thank you, Mr. Speaker.

**The Speaker:** Thank you, Member. You started off on a good wicket, but you stretched it a little in the end.

But I recognise the Honourable Member from constituency 21. The Honourable Member Commissioning, you have the floor.

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

I just want to take some time here to send congratulations to young—well, he is younger than I am—Fitzgerald Richardson. He is a constituent of mine. He is a former Westgate inmate who is just about to complete a course to become an assistant nurse, or a nurse's aide. And his journey has been an interesting one; it was featured in the *Royal Gazette* the other day. You know, he was a heroin addict at a young age. I spoke some weeks ago about the scores of young, mainly black, men who died because, through their heroin addiction, they contracted HIV/AIDS through the sharing of needles back in the 1970s and 1980s and 1990s. Remarkably, he would have been one of those young cohorts of that group. Again, from the age of 14 and 15, probably not intravenously injecting heroin at that time, but certainly using it. And so, his journey is a remarkable one, and I just want the House to acknowledge the journey that he has been on. And I think that he can serve as an example for others who also are facing these challenges.

Moreover, a few weeks ago, we talked about a young man, Bermudian man, another African Bermudian who has been certified now as a nurse, a male nurse. I just want to say Mr. Richardson, as a nurse's assistant . . . I would ask more Bermudians to take a look—particularly our men in this society—within that sector, the health care sector. One of the greatest increases in job opportunities over the next 10 and 20 years is going to occur in that sector. And so, we are going to need more Bermudians to get involved at every level of the health care sector. And again, congratulations to Mr. Richardson, who is on the cusp of completing his degree. Thank you, sir.

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

No other Members? That brings us to the conclusion of the Obituary and Congratulatory Speeches.

## 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

## GOVERNMENT BILLS

**The Speaker:** I believe we have one Bill to be introduced today.

And I recognise the Junior Minister of Finance. Honourable Member Furbert, you have the floor.

## FIRST READING

### COMPANIES AND LIMITED LIABILITY COMPANY (BENEFICIAL OWNERSHIP) AMENDMENT ACT 2017

**Hon. Wayne L. Furbert:** Thank you, 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: Companies and Limited Liability Company (Beneficial Ownership) Amendment Act 2017. Thank you.

**The Speaker:** Thank you.

## NOTICES OF MOTIONS

**The Speaker:** There are none.

## ORDERS OF THE DAY

**The Speaker:** Orders of the Day. It is my understanding we are going to do all four matters before us today. But the Premier has asked that we change the order. I think the Whips have agreed. So, [Order] No. 2 will now be [Order] No. 1, and we will begin with the Appeal Tribunals (Miscellaneous) Bill 2017.

Junior Minister, I believe you are leading that for the Minister. I recognise the Junior Minister of Finance, the Honourable Member Furbert. Honourable Member, you have the floor.

## BILL

### SECOND READING

#### APPEAL TRIBUNALS (MISCELLANEOUS) ACT 2017

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

Mr. Speaker, we have before the House today the Appeal Tribunals (Miscellaneous) Act 2017, which we will be debating.

*[Inaudible interjections]*

**Hon. Wayne L. Furbert:** Mr. Speaker, the Bill now before the House is the Appeal Tribunals (Miscellaneous) Act 2017. The objective of this Bill is to amend the Government Authorities (Fees) Act 1971 ("the

Act”), together with certain financial service legislation, in order to give the Minister of Finance the authority to determine the appropriate fee for appeal tribunal members for financial service tribunals.

Mr. Speaker, clause 2 of the Act provides for fees to be paid out of the Consolidated Fund to each member of a government authority in respect of each day such persons attend a meeting of that authority. A “government authority” is defined to mean any of the bodies specified in the First Schedule. The Schedule to the Act, Part A of the Schedule, set down the fees for the chairman or equivalent of \$100 a day, and the fees for the members of \$50 a day.

Section 4 of the Act gives the Minister of Finance (“the Minister”) the power to amend by an order, whether by addition, deletion, or otherwise, the list of government authorities set out in the Second Schedule to the Act.

Mr. Speaker, given the recent shift in enforcement action by the Bermuda Monetary Authority, together with the complexity of matters currently before the Minister of Finance, it is proposed to amend the Schedule to remove all financial services related to tribunals from the Act. This would allow the Minister to determine the amount of fees to be paid, as the current fees of the chairman and members are not enough to compensate for the level of complexity of the appeals and time required to adjudicate on the tribunal.

Also, due to the current fee levels, the Ministry is having difficulties appointing suitable persons to serve on the various appeal tribunals. In tandem with amending the Act, certain pieces of financial services legislation will need to be amended in order to give the Minister or other relevant Ministers the authority to determine the appropriate fee for the tribunal members. The appeal tribunals and Acts that will need amendments include the following:

- the appeal tribunal constituted in accordance with section 31 of the Banks and Deposit Companies Act 1999;
- the appeal tribunal constituted in accordance with section 23 of the Credit Unions Act 2010;
- the appeal tribunal constituted in accordance with section 37 of the Corporate Service Provider Business Act 2012;
- the appeal tribunal constituted in accordance with section 34 of the Investment Business Act 2003;
- the appeal tribunal constituted in accordance with section 30 of the Trusts (Regulation of Trust Business) Act 2001;
- the appeal tribunal constituted in accordance with section 25 and Schedule 1 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008;

- the Insurance Appeal Tribunal constituted in accordance with section 44B of the Insurance Act 1978;
- the Tax Appeal Tribunal constituted by section 24 of the Taxes Management Act 1976;
- the appeal tribunal constituted in accordance with section 56 of the Investment Funds Act 2006;
- the appeal tribunal constituted in accordance with section 40 of the Money Service Business Act 2016.

Mr. Speaker, the chairmen and deputy chairmen of all appeal tribunals must be lawyers with at least seven years of experience—all lawyers with at least seven years of experience. So, the sort of work involved in chairing a financial services appeal tribunal can be time consuming and involve complex areas of law. The chairman must initially prepare for and attend the tribunal hearing. A case can involve substantial points of law and require extensive research. The chairman will have to do the bulk of the work and draft the ruling, which, given issues arising, must be fairly detailed.

Also of significance, the ruling is also published and must stand up to public scrutiny, as it may be challenged in the courts.

Mr. Speaker, the Ministry’s experience is that persons are willing to serve on these appeal tribunals as a form of public service and do not expect to be paid at market rates. Therefore, fees will be set at a prudent level and will be based on time spent and the complexity of the case. The Ministry will also seek the advice of the Attorney General’s Chambers when setting these fees.

Mr. Speaker, the Ministry, in conjunction with other stakeholders, is currently conducting an internal review of the entire appeals process in an effort to make the process more efficient. Honourable Members will be updated on the outcome of this review in due course.

With these introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled the Appeal Tribunals (Miscellaneous) Act 2017, and thank you.

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

Does any other Member wish to speak to this?

We recognise the Shadow Minister for Finance, the Honourable Member from constituency 19. You have the floor.

**Mrs. Jeanne J. Atherden:** Mr. Speaker, we are obviously aware that the consideration has been discussed with respect to appeal tribunals. And I know that perhaps one of my other colleagues might speak to this.

But I think, Mr. Speaker, we recognise that it is important that an appeal tribunal gets the type of

calibre of individuals to sit on them, and, as the Junior Minister said, the chairman, especially, and the deputy chairman are very significant in terms of not only the experience that they bring, but the fact that they have a lot of responsibility with respect to getting the committees together and making sure that they meet on a timely basis so that the results of these appeals can be heard quickly, because lots of people are always waiting around for the results.

Mr. Speaker, my only concern is that I am mindful of the fact that there are other appeal tribunals which take place in other ministries. And if I put my former health hat on, I know how difficult it is to get persons to sit on appeal tribunals, not so much because of the fact of what they are paid, but the fact that you have to set a significant amount of time aside to make yourself available to sit there and get it done. On top of that, you are further constrained—and I know this will still happen going forward with these appeal tribunals—in that you have, lots of times, what I call conflicts of interest, where people are not able to sit on them because they are somehow associated with something that is coming before them.

Mr. Speaker, I think we recognise that it is important that the Ministry do this, and that I am pleased to see that there is going to be consultation with other stakeholders in terms of what might be an appropriate fee. But I am also hopeful that something will be set in terms of a fee where people will understand that it is set so that it is not some sort of sliding scale that is subject to what I call the discussions between the Minister and the individuals, because you cannot do that, for budgeting purposes. And I think it is important that people understand that there is some consistency with respect to how these fees are set.

So, Mr. Speaker, I understand the fact of the ones who are here—I would like to hope that the Minister, as the Minister of Finance, will also look at other appeal tribunals so that we can get these very important roles set up and individuals will have the proper . . . not only remuneration, but also the proper description of individuals, or the types of individuals, who should hold these positions. Thank you, Mr. Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak?

Junior Minister . . . Sorry. I did not see you in the corner here. We recognise the Honourable Member from constituency 22. The Honourable Dr. Gibbons, you have the floor.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Speaker. Mr. Speaker, I thought somebody else on our side might wish to speak, as well.

I am just curious. Obviously, my honourable colleague, Jeanne Atherden, made a number of points. And I think, as the Junior Minister observed, it is unfortunate in many respects that we are now moving towards more of an emphasis on remuneration as

opposed to the public service. But I guess, perhaps, that is the sign of the times.

I was curious as to whether there are any data going back, let us say, to 2016, looking at the number of tribunals that have actually met with this particular group, the amount of time that may have been involved in these, just to get a sense of whether there is a model here to estimate how much additional funding is going to be required to make sure these tribunals have members and the appeals actually take place.

I do not know whether the Honourable Member can give some sort of an indication. He noted, I think as most of us are aware, that the current rate for a chairman of a committee is \$100 a day, and for a member, \$50. Are we looking at doubling that, five times that, ten times that? Are we going from \$100 to \$1,000 per day? Surely, there must have been some thought as to what an appropriate going rate would be here. My honourable colleague, Jeanne Atherden, noted that she hoped it was not simply a negotiation. But I would be interested to know whether that is what the Government has in mind, as well. So, perhaps some kind of an indication as to what we are looking at here.

I think Members have also indicated that Finance is not the only area that is complicated. There are certainly areas in Education. I can remember, having been Minister, that the amount of time spent on appeal tribunals in Education can often be quite lengthy. And, as I said, it is unfortunate that the sense of public service now has to be supplemented by what I will call additional remuneration. But maybe that is the way that we are going.

So, a little bit more, I guess, fleshing-out of what we are looking at here, what perhaps was paid out last year, and perhaps what we are looking at based on the number of tribunals that were done in 2016. What does that mean, going forward, on an annual basis compared to the budget that was there before?

Mr. Speaker, I think those were pretty much the points that I had in going through and looking at the legislation. But, at this point, I will take my seat.

Thank you.

**The Speaker:** Thank you.

Does any other Member wish to speak?

I recognise the Honourable Member from constituency 9. Honourable Member Moniz, you have the floor.

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

Just to go into further detail on the point that the Honourable Member who spoke immediately before me raised, there is an issue with all sorts of committees across government. We suffered it while we were Government. There were so many committees that you needed people for, so many committees that you needed to fill. Some of them sit on a regular

basis. Some of them sit infrequently. And some of them never sit at all.

So, it is one of these things. I know in the UK, they have panels. For different types of committees, you have panels. But somehow, we need to consolidate across the government. This was just taking out some financial appeals. It is a sort of stop-gap thing, and obviously it is going to increase expenditure. We do not know how much. It would be nice to have that Honourable Member say, well, what the fees are likely to be and what effect that will have on the budget.

But across government there are all sorts of committees. There is the Immigration Appeal Tribunal in Home Affairs. There are just a plethora of committees across government. There needs to be some sort of rationalisation on a larger scale. So this is sort of a stop-gap approach where there needs to be a broader approach by Government. We were certainly looking at it when we were Government. And one of the ideas in some respect was to have the administrative judge who dealt with administrative appeals . . . so you are going to the same person who has a level of expertise. Quite often you are filling these committees with people, and sometimes you are not able to get the level of expertise that is really required.

And as other Members have mentioned, people are busy with private practices and more and more are unwilling to give up their time for these very time-consuming and sometimes onerous duties. So something needs to be done across the board to rethink the problems that we have in these areas.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak?

Junior Minister, I could recognise you now, or I could have the Deputy just break for lunch so you can finish your consultation. Honourable Deputy.

**Hon. Walter H. Roban:** Mr. Speaker, I do request that we adjourn for lunch.

**The Speaker:** We are now adjourned to lunch until 2:00 pm.

**Proceedings suspended at 12:29 pm**

**Proceedings resumed at 2:01 pm**

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

**The Speaker:** Members, we are resuming the debate that was taking place in regard to the Appeal Tribunals (Miscellaneous) Act 2017, and the Junior Minister was about to return to his feet to respond.

But, Junior Minister, before you do, let me just acknowledge the fact that the change order, because after we announced that this was going to be done

first there seemed to be a bit of confusion with Members . . . so let me just clear it up that what is listed as [Order] No. 3 will be [Order] No. 2, what is listed as [Order] No. 1 will be [Order] No. 3, and the last [Order] No. 4 will remain as [Order] No. 4 (for those who were not sure of the change in order for today).

Junior Minister.

## BILL

### SECOND READING

#### APPEAL TRIBUNALS (MISCELLANEOUS) ACT 2017

*[Debate continuing thereon]*

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker. I hope everyone has enjoyed their lunch.

Let me just say, Mr. Speaker, I heard the Honourable Shadow Minister for Finance speak and, first of all, we appreciate the comments coming from that side. They are well aware of the situation because I believe this particular discussion started when they sat in another room. So some of them are well aware of the discussion and the circumstances we have.

The question comes down to whether we should know how much we are going to be putting forward because of what we budgeted for. And that is a reasonable question. But I do not think the Honourable Members from that side, when they took actions in other locations around the world said, *give me a fixed amount*. That does not work on the lawyers. At least I do not recall that you can just fix a number. But at the end of the day the Ministry puts in an amount that they think is reasonable based on historical precedence and stuff like that. So, you know, to a certain degree it is going to be very immaterial compared to what we have paid thus far up in other places that they are well aware of.

But let me just say that there has been roughly about three of these types of cases that tribunals have been sitting over the last couple of years. The first one was in 2016 and it was a Banks and Deposit Companies Act [1999]. And that particular one was settled outside the tribunal so there was no need to go further. Then in 2016 there was an insurance appeal tribunal, and the decision was handed down, as a matter of fact, in 2016. The amount of time spent was about 140 hours because it was a very complex matter. And you know, take a rate that these lawyers charged, it could up to about \$90,000. But we are not saying that they will get \$90,000. I think the actual discussion will take place, as we say in the Bill, with the Attorney General at that time to see what we think is reasonable and, of course, the lawyers can accept or reject it.

But I think the fee that we did pay that lawyer at the time, because he did a lot of work—140 hours' worth of work—was probably under \$1,000, and that cannot be reasonable for this day and time. And I understand that you are doing a public service, but those days are probably gone. Even when Parliament first started you were probably getting \$3 for the week or \$3 for the month, because in those days it was the merchants who were running this Parliament and they were getting all the business anyway. So they did not have to get involved in paying themselves because they were paying themselves by passing Bills that affected their pocketbooks. But those times have changed.

Those times have changed so you cannot expect, as my good friend Mr. Jim Woolridge used to say, that you cannot . . . if you . . . what you want . . . something about monkeys you get peanuts or something . . .

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Yes, but that is my point. We understand that. So that is the issue.

And the last one, I think, was to do with . . . we have a current one going on and that is a business appeal, which is in process, and there is a pending one that is a trust appeal.

So we do not expect a huge amount of appeals up there. They could become more frequent and at that time the Minister will have to take a look to see what we can do. But it is the time we live in. You know there are probably more lawsuits going around nowadays than ever before and more judgments, particularly with the tightening up on regulations and stuff and these things happen.

The other point was to do with . . . the Honourable Member asked about . . . I am trying to remember. There was one other point that you had mentioned. Oh! Regarding other appeals . . . other tribunals. And as far as we understand no other ministries have said they were having a problem getting these individuals to serve. And if they start getting that then, of course, the Minister will have to start taking a look at it again. That is how we deal with it. I mean, right now we have X-amount . . . if you look at the Act called the Government Authorities (Fees) Act [1971] there are a whole bunch of boards and . . . Police Advisory Board, the Railway Trail Advisory Committee and Trucks Advisory Committee—there is a whole list people—and you are all aware of this.

Right now the chairman gets \$100 and the members get \$50. Every single one of the members eventually said, *I'm not stepping out from my firm to get \$100*. We do not have to be back up here. I remember the time when I was first involved with a board. You got \$50 as a chairman, \$25 as a member, and spent a good seven to eight hours, when I was on the Hospitals Board a long time. And so you walked

away with two cents an hour in those days. But that was the way the system was set up.

And so, as time goes on governments will have to look to see whether it is reasonable and fair, and whether we should make some adjustments going forward. I mean this, from \$100 to \$50, I am not sure when the change took place . . . the last revision was in . . . it looks like 2017, probably under the former Government, from \$50 to \$100. So they must have recognised that changes are moving on.

So, we have this before us and, as I said, I thank the Opposition for their contribution, and we will move towards Committee, Mr. Speaker.

**The Speaker:** Thank you, Junior Minister.  
Deputy Speaker?

### House in Committee at 2:08 pm

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

## COMMITTEE ON BILL

### APPEAL TRIBUNALS (MISCELLANEOUS) ACT 2017

**The Chairman:** Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Appeal Tribunals \(Miscellaneous\) Act 2017](#). I call on the Minister in charge to proceed.

Minister, you have the floor.

**Hon. Wayne L. Furbert:** Thank you, Mr. Chairman, for that.

So this Bill provides for amendments to stated provisions in order to give the Minister of Finance the authority to determine the remuneration payable to or provide allowance for some appeal tribunal members with respect to tribunals listed under the Government Authorities (Fees) Act 1971 and constituted under the Banks and Deposit Companies Act 1999, the Corporate Service Provider [Business] Act 2012, the Credit Unions Act 2010, the Insurance Act 1978, the Investment Business Act 2003, the Investment Funds Act 2006, the Money Service Business Act 2016, the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008, the Taxes Management Act 1976, and the Trusts (Regulations of Trust Business) Act 2001.

So first of all, let me . . . I forgot to move the clauses, Mr. Chairman. Should I move all the clauses?

I move clauses 1 through 13 *[sic]*.

**The Chairman:** Twelve.

**Hon. Wayne L. Furbert:** Twelve, sorry—1 through 12. I need to change my glasses here.



Clause 1 provides the citation for the Bill.

Clause 2 amends the First Schedule to the Government Authorities (Fees) Act 1971 so as to cause extended remuneration of (\$100 for the chairman; \$50 for members) not to apply to the listed tribunals.

Clause 3 amends section 31 of the Banks and Deposit Companies Act 1999 so as to give the Minister of Finance the authority to determine the remuneration and allowances payable to appeal tribunal members.

Clause 4 amends section 37 of the Corporate Service Provider Business Act 2012 so as to give the Minister of Finance the authority to determine the remuneration and allowances payable to appeal tribunal members.

Clause 5 amends section 23 of the Credit Unions Act 2010 so as to give the Minister of Finance, or the Minister who has been appointed to administer the Act, after consultation with the Minister of Finance, the authority to determine the remuneration and allowance payable to appeal tribunal members.

Clause 6 amends section 44B of the Insurance Act 1978 so as to give the Minister of Finance, or the Minister who has been appointed to administer the Act, after consultation with the Minister of Finance, the authority to determine the remuneration and the allowance payable to appeal tribunal members.

Clause 7 amends section 34 of the Investment Business Act 2003 so as to give the Minister of Finance, or the Minister who has been appointed to administer the Act, after consultation with the Minister of Finance, the authority to determine the remuneration and the allowance payable to appeal tribunal members.

Clause 8 amends section 56 Investment Funds Act 2006 so as to give the Minister of Finance, or the Minister who has been appointed to administer the Act, after consultation with the Minister of Finance, the authority to determine the remuneration and allowance payable to appeal tribunal members.

Clause 9 amends section 40 of the Money Service Business Act 2016 so as to give the Minister of Finance the authority to determine the remuneration and allowance payable to appeal tribunal members.

Clause 10 amends paragraph [(1)] 2 of Schedule 1 to the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 so as to give the Minister of Finance the authority to determine the remuneration and allowance payable to appeal tribunal members.

Clause 11 amends section 24 of the Taxes Management Act 1976 so as to give the Minister of Finance, in consultation with the Minister responsible for Justice, the authority to determine the remuneration and allowance payable to appeal tribunal members.

Clause 12 amends section 30 of the Trusts (Regulations of Trust Business) Act 2001 so as to give the Minister of Finance the authority to determine the remuneration and allowance payable to appeal tribunal members. Thank you, Mr. Chairman.

**The Chairman:** Any further speakers?

There appear to be none.

Minister.

**Hon. Wayne L. Furbert:** Mr. Chairman, I move all clauses. Sorry, I move the citation and preamble and all of the clauses.

**The Chairman:** Clauses 1 through 12?

**Hon. Wayne L. Furbert:** Clauses 1 through 12.

**The Chairman:** Any objections to the motion?

There appear to be no objections.

*[Motion carried: Clauses 1 through 12 passed.]*

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

Is there any objection to that motion?

The Bill will be reported to the House as printed.

*[Motion carried: The Appeal Tribunals (Miscellaneous) Act 2017 was considered by a Committee of the whole House and passed without amendments.]*

**House resumed at 2:14 pm**

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

## **REPORT OF COMMITTEE**

### **APPEAL TRIBUNALS (MISCELLANEOUS) ACT 2017**

**The Speaker:** Members, are there any objections to the Bill being reported to the House as printed?

No objections.

Thank you, Junior Minister.

We will now move on to the next item and that is the second reading of the Electricity Amendment Act 2017 in the name of the Minister of Transport and Regulatory Affairs.

Deputy Premier, you have the floor.

## **BILL**

### **SECOND READING**

#### **ELECTRICITY AMENDMENT ACT 2017**

**Hon. Walter H. Roban:** Thank you, Mr. Speaker.

I move that the Bill entitled the Electricity Amendment Act 2017 be now read a second time.

**The Speaker:** Proceed.

**Hon. Walter H. Roban:** Mr. Speaker, and all Members of this House, I am pleased to introduce the Bill entitled the Electricity Amendment Act 2017.

The Electricity Amendment Act 2016 came into operation on the 28<sup>th</sup> October 2016. The Act migrated the responsibility for the regulation of the electricity sector from the Energy Commission to the Regulatory Authority [RA]. Among other modernisations to the regulation of the electricity sector, the Act introduced a licensing regime for the generation and the transmission, distribution, and retail of electricity.

The establishment of the licensing regime for the electricity sector participants will enable participants in the industry to enter into vital contracts, such as power purchase agreements [PPAs]. This will lead to the future diversification of Bermuda's energy mix and it will allow a wider variety of sector participants to enter into PPAs (as they are called) with BELCO to supply energy to the electricity grid.

Mr. Speaker, the purpose of this Bill is three-fold:

1. to amend the Electricity Act 2016 to simplify the administrative process for creating licences under the Act;
2. to ensure that all sectoral participants have sufficient time in which to become compliant; and
3. to ensure the sectoral participants in this transitional period will be subject to the monitoring and regulation of the RA, the Regulatory Authority.

First, Mr. Speaker, both the Electricity Act [2016] and the Regulatory [Authority] Act 2011 provide for the form and content of licences. This is an unnecessary duplication as the current procedure outlined in the Electricity Act [2016] will require the licence form and general content to be set out in an administrative determination outlined under the Regulatory Authority Act [2011]. And then that general content would also have to be added to the Electricity Act [2016] in Schedule 1. This construct adds to the administrative burden of the licensing process, particularly in terms of any amendments to the form and general content of this licence in the future. The Bill will eliminate this duplication by deleting Schedule 1 and all references to it and has the procedure for setting the terms and content of the licence rest with the RA by way of the Regulatory Authority Act [2011] only. The Electricity Act will continue to provide for the different types of licences generally.

Second, Mr. Speaker, the Government also recognises the need to grant more time to the RA to issue licences and ensure that sectoral participants

are compliant. Therefore, the Bill amends section 66(6) of the Act so that the Minister may, by order, allow up to 18 months after commencement of the 2016 Act for compliance to be achieved. Originally the period in the Act for compliance was 12 months.

Third, Mr. Speaker, and finally, the Bill clarifies and ensures that sectoral participants, for the avoidance of doubt, are subject to the monitoring and regulation by the RA during this conditional period. This confirms that the RA is able to exercise oversight and control over matters such as rate increases and replacement of specific generating assets.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak to this matter?

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

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

Mr. Speaker, I would like to make I guess a couple of observations, having had some experience with this . . . having had responsibility for this in a prior life. I guess a couple of thoughts. I think the Honourable Member who speaks for Energy referred to three separate issues, and I will take those in order.

Let me say at the outset that we support these amendments on this side of the House. But it makes sense, I think, to simplify the licensing procedure. When the 2016 Bill was put through, which was in June, I think roughly, of 2016, there was some question as to whether there should or should not be a Schedule 1. The idea behind Schedule 1 was to essentially put the licences, which the Regulatory Authority would determine, into that Schedule. As there was no Schedule 1 actually in the E-Act it then became complicated, because you had to create a Schedule 1 in order to be able to put stuff in there. So it was one of those things where I think . . . when we originally did it the order was perhaps not thought through as well as it should have been. So I think eliminating the Schedule 1 and simply going to an administrative determination makes a lot of sense.

The second point, which the Minister has spoken to, is the idea of allowing more time for the RA to essentially complete the licensing process. The Minister is not quite right. The original Act actually had six months, which was the time allowed from the commencement, which was 20<sup>th</sup> October 2016, for the RA to essentially get the licences done. When the six-month period elapsed, which, counting backwards, I guess, was roughly six months ago now, it was pretty clear that the RA was going to need more time to be able to do it. I can remember that when I left office there had been quite a discussion with BELCO.

There are two licences that I think were primarily the first ones to be dealt with. One was the

transmission, distribution and retail [TD&R] licence, of which only one would essentially be provided, and that was going to be to BELCO because we did not feel that there was a need for a second transmission, distribution, and retail organisation out there because it would have meant, essentially, redundancy. And the other one was the Bulk Generation Licence, because I think, as Honourable Members will know, BELCO provides probably something on the order of 96 [per cent] to 98 per cent of the electricity provided. I think, perhaps, there was quite a bit more discussion and, may I say, negotiation between the Regulatory Authority and BELCO, as I recall, than had been anticipated. So, six months ago it was decided to give the RA another six months to make 12 months altogether. So as the Act notes, this has to come into effect by the 27<sup>th</sup> of October of this year in order to be able to complete the 12-month period . . . or maybe it is the 28<sup>th</sup>, I am not sure, but the Act says 27. So, obviously, we are under some time constraints here.

I guess the interesting question for the Minister is: Does the Minister at this point have some indication from the Regulatory Authority as to how much more time is required? Are they pretty close at this point? My sense was they were reasonably close about six months ago. But this is obviously taking quite a bit longer than I think most of us would have expected in order to be able to get these licences determined and then to be able to proceed from there. Essentially the utility needs to have these licences in place to be able to deal with providing agreements—power purchase agreements, PPAs—with other distributed generators as well. So there is sort of a time sequence here which needs to be followed through.

So, I guess I am very interested to know whether the Minister has a sense of when this is likely to be completed because in many respects it is holding up quite a few other licences as well. I think the one that, obviously, is of interest to many of us is the licence that will be provided by the RA to the solar-scale utility at the Finger, which I think is certainly a step forward in terms of how we generate our electricity. So a general question there as to what the Minister sees as the timeframe for this.

The third issue, again, just making a couple of observations, because the transition was quite a bit longer I think than many of us had expected, this issue as to whether those persons continue to operate as electricity generators and providers (meaning principally BELCO). There was a question as to whether, if they did not have a licence that had been issued by the RA, they would actually be monitored or regulated by the RA.

The third point that the Minister is making, which is that “for the avoidance of doubt” they will be, is an important one. Because I think that issue came up, certainly as a question from the utility, as to whether they were going to be regulated in the same way as they would if they were licensed. So, it was a

little bit of a Catch-22 situation. I think in order to make sure that the utility understands that point, I think the third issue here is an important one as well.

I guess there are a couple of other things that I am interested in. And that is whether the Minister could give a little bit of an update as to where we are on some of the other issues that the Energy Department was considering. I think most of us are interested in the issue of cheaper electricity, more environmentally safely generated electricity, and so there are issues that are standing out there, such as the fuels policy, which was very much in progress at the time there was a change of Government. So I would be interested to know where we stand on that particular issue because it has a direct bearing on some of these issues as we go forward.

The other issue, of course, which would be of interest was the discussion around the BLDC and Marginal Wharf. There was an RFI [Request For Information] out there with respect to the possibility of using Marginal Wharf for additional distributed generation. I would be curious to know if the Minister can provide us some sense of where that process is at the present time as well.

Those are the points that I wanted to make. I am going to take my seat. Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak to this matter?

No other Member.  
Minister.

**Hon. Walter H. Roban:** Thank you very much, Mr. Speaker, and thank you for the support from the Opposition and the comments thus far in this debate.

There were a few questions that came out of this discussion so far, and one is how soon we can activate the licensing being issued. Well, as the Honourable Member says is his knowledge from a previous life, this process had already started and this was one of the stumbling blocks to actually making that work and activating an actual licence for BELCO as a generator, transmitter, distributor, and retailer in energy. As soon as this Bill goes through the appropriate legislative process, that process can be virtually done because they are essentially waiting to go through the process of issuing the licence.

It will be in very short order once we get through this legislative process that will allow for the additional time for it to be done. But this is done as a contingency to make sure that we can do this smoothly. It was important to be done. And as soon as this is done legislatively, that process can continue on with great efficiency.

The other matter is . . . I know the Honourable Member said there was some incorrectness in the statement about the time limit, but as the Act reads . . . the Act reads 12 months. Perhaps, I do not recall if

the former administration made a change to the Act, but the Act, in that section 66(6), reads 12 months. So that is what the Act currently says and we are making our amendment to advance from 12 months . . . perhaps it was in an earlier rendition six [months], but I do not recall that. But I see what the Act says right now and it is 12 months.

With that in mind, Mr. Speaker, I ask that the Bill be committed.

**The Speaker:** Thank you.

No objections to it being committed?

Will the Honourable Member from constituency 21, Mr. Commissiong, assume the seat as Chair?

### House in Committee at 2:29 pm

*[Mr. Rolfe Commissiong, Chairman]*

## COMMITTEE ON BILL

### ELECTRICITY AMENDMENT ACT 2017

**The Chairman:** Members, we are now in Committee. I will give the floor to the Minister.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman. If you could just indulge me for a moment there was something that got up in the other part of the debate. I would just like to say that some of the questions that were raised are actually the responsibility of other Ministers which is why I did not answer them. They really are in the realm of other Ministers, which is why I did not answer them. But I will go now to the clauses.

**The Chairman:** Point taken.

You may proceed, Minister.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

Mr. Chairman, clause 1 of the [\[Electricity Amendment Act 2017\]](#) provides for the citation of the Bill.

Clause 2 amends . . . I am sorry, Mr. Chairman. Do I have permission to move all four clauses?

**The Chairman:** The Minister has requested the ability to move all four clauses.

Are there any objections? There being no objections you may proceed, Minister.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

Clause 1 provides, as I said already, for the citation for the Bill.

Clause 2 amends section 20(1) of the Electricity Act 2016 to remove references to Schedule 1 in this provision.

Clause 3 makes a similar amendment to section 24 of the Electricity Act 2016 to remove references to Schedule 1.

Clause 4 amends section 66 of the Electricity Act 2016. Subsection (1) of clause 4 inserts a new subsection (4A) which, for the avoidance of doubt, provides that all persons continuing to operate pursuant to subsections (1), (2), and (4) of section 66 are subject to monitoring and regulation by the Regulatory Authority. Subsection (2) of the Bill enables the Minister to extend the transitional period from 12 months to 18 months. The Electricity Act 2016 (Transitional Period Extension) Order 2017 extended the transitional period from six months to 12 months, with the 12-month period due to expire on 27 October 2017. The further amendment provides for an extension of the transitional period for another six-month period. Subsection (3) provides for the amendment to be of retrospective effect from 27 October 2017 so as to ensure continuity.

Thank you, Mr. Chairman, and I invite any comment on those four clauses.

**The Chairman:** The Chair now recognises the Shadow Minister from constituency 22.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Mr. Chairman, it is clause 4, and just by way of perhaps clarification, when the Minister got up in the House to talk about the six-month or 12-month period I just wanted . . . just so that we are all clear, under section 66 if you were an existing provider, for example, BELCO, when the Act came into operation in October 2016, you had six months to be able to continue. That period expired back in May or June or whatever. And at that point the Minister of the day (meaning me) gave them a further six months because, as we said in the House, the licensing procedure had not actually been completed.

So what we are really doing is we are allowing, under [sub]section (6) of section 66, to extend it from 12 months. So we had six months, another six-month extension, now we are going up to 18 months. So that is where the different six-month segments come into operation here. So I just wanted to make sure that everybody was clear on that. Thank you.

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

Is there anyone else that would care to address these four [clauses]?

There being no other Members that wish to address this I give the floor back to the Minister. Minister Roban, you may continue.

**Hon. Walter H. Roban:** Thank you, Mr. Chairman.

At this point I do not have any other comments other than to request that we approve all four clauses as read.

**The Chairman:** Members, the Minister has requested to approve all four clauses as read.

Are there any objections? There being no objections, the clauses are hereby approved.

*[Gavel]*

*[Motion carried: Clauses 1 through 4 passed.]*

**Hon. Walter H. Roban:** Let me just for the record ask that the Preamble be approved.

**The Chairman:** Yes.

**Hon. Walter H. Roban:** I am sorry.

And I move that the Bill be reported to the House as printed.

**The Chairman:** Thank you.

The Preamble has been approved and the Bill will be reported to the House.

*[Motion carried: The Electricity Amendment Act 2017 was considered by a Committee of the whole House and passed without amendments.]*

**House resumed at 2:35 pm**

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

## REPORT OF COMMITTEE

### ELECTRICITY AMENDMENT ACT 2017

**The Speaker:** Members, is there any objection to the Bill being reported to the House as printed?

No objections.

Thank you, Minister.

We now move on to the next item, and it is the Tax Reform Commission Act 2017 in the name of the Minister of Finance.

Premier, are you going to lead this? We recognise the Honourable Premier. Premier, you have the floor.

## BILL

### SECOND READING

#### TAX REFORM COMMISSION ACT 2017

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

Mr. Speaker, I move that the Bill entitled the Tax Reform Commission Act 2017 be now read the second time.

**The Speaker:** So moved.

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

Mr. Speaker, I am pleased to present the Tax Reform Commission Act 2017 for the consideration of the Honourable Members of this House of Assembly. Honourable Members will recall that in the Progressive Labour Party's 2017 general election platform we pledged to:

"[Create] a Tax Reform Commission drawing participants from both political parties, international business, local businesses, trade unions, hoteliers, academia, and the Bermuda Bar. Its mission will be to conduct a review of our system of revenue collection and taxation and to make recommendations to parliament on revenue and tax reform that make our tax system fairer and enhance Bermuda's international competitiveness to increase the number of jobs based in Bermuda."

Further, the Progressive Labour Party platform entitled *Building a Better and Fairer Bermuda* said that this Commission would be formed in the first 100 days. Mr. Speaker, this is a Government that keeps its promises to the electorate and today it is my honour to read this Bill for the second time.

Mr. Speaker, it is important to understand how we got here and with your permission I will quote from a speech that I gave in March as the Shadow Minister of Finance—

**The Speaker:** Go ahead, Premier.

**Hon. E. David Burt:** —where I laid out the Progressive Labour Party's reasoning behind proposing a Tax Reform Commission. Though many in this House may have been familiar with the arguments made at that time, I think it is important to repeat them so that more persons in Bermuda can appreciate the background to this issue and understand the fact that our existing system promotes income inequality.

At that time, Mr. Speaker, I said (and I quote):

<sup>1</sup>"Mr. Speaker, one of the most important things required for us to build a sound foundation for growth and to reduce the cost of doing business in Bermuda is the issue of tax reform. Our current system needs reform not only to reduce the cost of doing business and to encourage job growth in Bermuda, but also because our current system of taxation exacerbates inequality, which in turn reduces economic growth. . . ."

"In Bermuda, if you are privileged enough to have inherited wealth-generating passive income, you keep it without taxation. However, if you happen to be born into a family who may not have centuries of wealth or a trust portfolio"—

*[Inaudible interjection]*

**Hon. E. David Burt:** Thank you very much.

<sup>1</sup> [Official Hansard Report](#), 3 March 2017, pp 744-745

**The Speaker:** I see you have got a little music in your presentation, but continue.

**Hon. E. David Burt:** I do. They must like what I am saying.

**The Speaker:** Mm-hmm.

**Hon. E. David Burt:** I will start again on that paragraph, Mr. Speaker.

"In Bermuda, if you are privileged enough to have inherited wealth-generating passive income, you keep it without taxation. However, if you happen to be born into a family who may not have centuries of wealth or a trust portfolio of mortgage-free real estate to inherit, you pay taxes on your labour income because the only income you have is from your labour.

"For example, if a person makes \$100,000 a year from their day job and another person makes \$100,000 a year in trust dividends, our system taxes only the earnings from work and not the earnings from other sources. There are vast swathes of domestic wealth and income that have never been subjected to tax, which by its very construct fosters continued economic inequality. Mr. Speaker, this is why our taxation system promotes and fuels economic inequality. This is our challenge, and this is what we as a country must get to grips with.

"While we may look to make our taxes more just . . . the fact remains that we are taxing jobs at a higher level, which may lessen our competitive advantage as a jurisdiction and lead us into more trouble.

"Quite simply, Mr. Speaker, we could tax ourselves out of being an attractive jurisdiction."

Payroll tax places "increased burden on the job creators and the investors who have chosen to bring their capital to Bermuda and to create jobs in Bermuda. At the same time, those Bermudians who enjoy the spoils of international business's continued presence in Bermuda and collect commercial rents from their properties in the City of Hamilton never see an increased burden of taxation. Tax reform and broadening the tax base cannot be effective if we are unwilling to look at taxing the passive income of the privileged persons in our society."

Mr. Speaker, it is not enough "to tinker around the edges of a tax system when there are wide swathes of income in our domestic economy that are not taxed. Why is it that we only tax earnings from labour, but we ignore earnings from [all] other sources, often received without any labour at all?"

Mr. Speaker, at that time I went on to say, "It is our view that we can work with all stakeholders to design a system that enhances Bermuda's global competitiveness and ensures that those who can afford to pay more do pay more. Such a major undertaking cannot and should not be a one-party endeavour, as substantive tax reform must have the widest possi-

ble input and all ideas must be subjected to rigorous scrutiny to avoid unintended consequences."

At that time, Mr. Speaker, I said—and this is the end of my quotes—

"When the PLP is returned to Government, one of our first actions will be to create a Tax Reform Commission. This commission will draw participants from both political parties, international business, local business, trade unions, hoteliers, academia, and the Bermuda Bar. Its mission will be to conduct a wholesale review of our system of revenue collection and taxation, to make recommendations to Parliament on revenue and tax reform, and measures to increase tax compliance. Following the commission's report, the PLP Government will engage in consultation and, following the completion of the consultation, publish a White Paper on tax reform to be debated in Parliament.

"It will be our aim to complete the process of review and consultation in the first 18 months of the new Parliament so that reforms can be implemented quickly." (End quote, Mr. Speaker.)

Mr. Speaker, this Bill is the first step to build that better and fairer Bermuda that this Government promised voters at that last general election. We must reverse growing income inequality and we must reduce the cost of doing business. We must fully examine our system to ensure that it is the right platform to power economic growth into the future.

Mr. Speaker, this Bill provides for the establishment of a statutory body on a short-term basis under the name "Tax Reform Commission." Its mission is to examine Bermuda's tax system for the purposes of determining any measures that may be taken to best enable a system of taxation and revenue collection that is equitable, effective, efficient, competitive, and transparent; and to prepare and submit its report and recommendations to the Minister.

Mr. Speaker, the Government will establish the Tax Reform Commission because we strongly believe that tax reform cannot and should not be a one-party endeavour and it must enjoy the widest possible input. The overarching principles to guide the Tax Reform Committee's efforts in preparing recommendations are as follows, Mr. Speaker. The responsibilities will be in regard to these recommendations:

- to ensure that the tax system is fairer and more equitable;
- to ensure that the tax system enhances Bermuda's global competitiveness;
- to ensure that the tax base is broadened in order to reduce the reliance on payroll taxes;
- to ensure simplicity and transparency in the tax system in order to reduce the cost of administration and to promote tax compliance; and finally
- to ensure greater compliance in tax collection.

Mr. Speaker, the Commission will also be mindful of the five desired traits of any tax system.

- The first trait is a stable revenue yield so that Government can meet its social and fiscal obligations.
- The second trait is the provision of a reasonable overall tax burden on all economic agents. Persons and business would prefer to not have to pay taxes in order to be able to dispose of all of their income—

*[Electronic interference]*

**Hon. E. David Burt:** I will start on number two again, Mr. Speaker.

**The Speaker:** Mr. Premier you are getting a lot of additional music today. I do not know what that is for. Should we be taxing that music?

**Hon. E. David Burt:** Mr. Speaker, it is music to the ears of the electorate for they are finally getting what they voted for.

**The Speaker:** Okay. Well, do not let it distract us now.

*[Laughter]*

**The Speaker:** Do not let it distract us. Stay on course, Premier. Stay on course. You have had your chuckle, now continue on.

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

- The second trait is the provision of a reasonable overall tax burden on all economic agents. Persons and business would prefer to not have to pay taxes in order to be able to dispose of all of their income as they see fit, yet they wish to benefit from Government programmes, so they view taxes as a necessary evil. However, there is an upper range that persons in business in each community or country are willing to comply with. Trying to achieve a revenue yield or tax burden above this range will not generally be successful.
- The third trait is for the tax system to be compliance-promoting, simple, transparent, and fair. The underlying objective here is to encourage compliance.
- The fourth trait is for the tax system to be growth promoting, efficient, neutral, and non-distorted. A growth friendly tax system is efficient, neutral, in that it does not alter relative factor prices and costs. Therefore, it does not provoke different decisions or a different allocation of resources in the economy from what would have been in the absence of taxes.
- And the fifth trait, Mr. Speaker, is for the tax system to be equitable. Under the proviso that

(and I quote) “taxpayers who can afford it are asked to pay more than those who cannot afford to do so.”

*[Desk thumping]*

**Hon. E. David Burt:** Mr. Speaker, I am confident that the seven commissioners will keep these five traits in mind as they review our system.

Mr. Speaker, the Bill provides for the following: the establishment of a Tax Reform Commission; the composition of the Commission; the functions, operations and procedures of the Commission; the financial and audit provisions, including reporting requirements of the Commission; protection from liability and preservation of confidentiality of the Commission; and other items.

Mr. Speaker, it should be noted that it will be necessary to provide funding in order to compensate the support staff necessary for the conduct of the Tax Reform Commission. These funds will consist of appropriated funds and private sector donations. The Tax Reform Commission will have to account for all funds received and prepare financial statements, which will be audited by the Auditor General or an auditor appointed by the Auditor General. Just like any other public authority, the Tax Reform Commission and any officials engaged by the Tax Reform Commission are subject to confidentiality provisions.

Mr. Speaker, in closing, as this Government begins its first term in office the proposed establishment of the Tax Reform Commission to examine and provide recommendations to reform our tax system represents just one step in our efforts to establish and build that better and fairer Bermuda that was promised in our election platform.

And with those introductory remarks, Mr. Speaker, I now read for the second time the Bill entitled the Tax Reform Commission Act 2017.

Thank you, Mr. Speaker.

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITOR

**The Speaker:** Thank you, Mr. Premier.

Before I recognise any other speaker, I would just like to recognise the former Speaker who is sitting in the Gallery. Mr. Speaker.

*[Tax Reform Commission Act 2017, second reading debate continuing.]*

**The Speaker:** Does any other Member wish to speak to this matter?

I recognise the Honourable Member from constituency 19. Honourable Member Atherden, you have the floor.

**Mrs. Jeanne J. Atherden:** Thank you, Mr. Speaker.

Mr. Speaker, obviously recognising that the Government had indicated that it was going to introduce a Tax Reform Commission we are not surprised that they are getting on with it. And I think that there are just some observations that we need to make so that Bermuda understands what this means and where it goes.

I think we have to recognise . . . because some concern was made with respect to the fact that the former Government (of which I was a Member) had had the benefit of consultation with a commission, and a CARTAC Report had been produced. And perhaps not everybody had been aware of it as if that was something that was supposed to be . . . somehow underhanded. But I think I want to make it clear that many governments have used individuals that have expertise to provide some input into a number of items.

And using the CARTAC group to come around and help us . . . because if people understand that CARTAC is the Caribbean Regional Technical Assistance Centre then it puts it in perspective that these are people that understand things that have happened in the Caribbean, they can come and they can provide some level of expertise in order to help various governments. And I just want . . . and I am saying this because I think if you do not put it in context you do not understand that CARTAC actually helped the Government—the former Government—to look at tax reform.

Lots of countries have come up with tax reform. How successful they are depends on the amount of consultation, the amount of understanding of the environment that they live in, and also the options that are given to them.

And if you will permit me, Mr. Speaker, I just wanted to remind everyone, because the Finance Minister did table this and if people have not read it, then maybe they will not understand the fact that—

**The Speaker:** Go ahead.

**Mrs. Jeanne J. Atherden:** —CARTAC actually reminded us that Bermuda's economy is service-based and very open to . . . very vulnerable to external shocks. So they reminded us that we operate in an environment where lots of things can happen out there that impact on us. They also reminded us in their Executive Summary that tax reform brings in . . . when you have tax reform you have a certain target that you are trying to look at. People do not put tax reform in place unless they are looking to generate revenue, because by its very nature tax reform is looking at revenue generation as opposed to expenditure reduction.

So the tax reform the previous Government looked at was trying to bring about an additional \$100 million to \$150 million. And the reason we have

to understand about the tax reform and what you are looking at is because Bermuda at this point in time has four sources of tax. We have a payroll tax, an import duty, a land tax, and a tax on international companies. So if we understand that these four taxes account for 72 per cent of our revenue you can appreciate that anything that you do with these taxes has the ability to impact on 72 per cent of the revenue.

But I think it is important to also understand that if we are aware that CARTAC came down and had this consultation . . . whenever you look at bringing a group in they have to understand the lay of the land that they are dealing with. They also have to understand what parameters they have, because nobody gives them an open playing field. And I am certain that the Finance Minister is not giving them an open playing field. The Finance Minister technically is also giving them some direction when he talked about trying to make sure that there is fairness and trying to look at what is happening with respect to the tax base and trying to make some changes.

So all I am saying is that it is understandable that if we are going to have some tax reform, that we try and make sure that we make some changes. From my perspective . . . and when I looked at the Bill, I was . . . you know, I am realising that the Bill was talking about broadening, it was talking about tax reform. But it was talking about making sure that a system of taxation and revenue collection is equitable, effective, efficient, competitive and transparent.

And what I have a concern about is that I have seen lots of recommendations, and even the CARTAC recommendations . . . I have seen lots of reports where lots of emphasis has been placed on either the effectiveness, the competitiveness, the transparent-ness, or the equitableness. But what I worry about . . . and I have not seen enough where there is sufficient emphasis on the efficiency of the tax system. And the reason I say that is because it makes no sense to go out and change your tax base, to change how much you collect, and whatever else, if in the end you do not collect it. Because revenue that is not in your pocket is no good.

And so I want to be sure, and I am sure the people of Bermuda want to be sure, that as we go forward, whatever we do with respect to this Tax Reform Commission, that we make sure that we put some emphasis on the collection.

The reason I say that is because in this CARTAC Report there was some indication that the OTC (which is the Office of the Tax Commissioner) indicated that there is a need to improve service delivery and to implement enforcement programmes. And the reason I say that is because I am sure if you go back (and I do not put my hands on it right now) I think I have seen something on the order of several hundred million that is out there that has not been collected.



So what I am saying is that it does not make sense to turn around and generate more, and it does not make [sense] turning around and talking about making it equitable if you do not collect it and it does not hit your bottom line. And we do not need things to be, if you will, theoretically saying that we are going to have balanced budgets, because balanced budgets are no good if the money does not come into your bank account.

And I say that because the second side of what I have to draw to everyone's attention is the fact that the former Minister of Finance, Minister Richards, and in our Budget Statement at the time we delivered the budget, had indicated that we were looking for a balanced budget in 2018/19. And that was on the basis that there were certain tax reform changes that we were going to put into effect. And the reason I say that it is important for me to draw this to everybody's attention is that we are effectively on that path. We are on 2017/18 with some reform changes that there were some second pieces that would have to go through in 2018/19 and people out there—our lenders and other people—are expecting us to hit some of these milestones.

I am also mindful of the fact that the Finance Minister has indicated that this Tax Reform Commission that he is going to structure has 18 months in which to come and deliver a report. So, effectively, it is going to be at the end of 2018/19.

Now, as it relates to Bermuda and the Bermudian people, what people need to understand is what happens and what is going to happen in the interim. And I have not heard anything that has indicated whether any of the tax changes that were implemented by the former Government—my Government—whether these things are going to continue. Because there were some things that were put in place that were designed to make it more gradual, more progressive, so that the people at the lower end got some tax relief. Some of the people at the higher end or, when I say “higher end,” some of the people making more money, that they were going to start paying more tax. And there was the general service taxes, et cetera, that were due to come in. So the question has to be asked as to where we are with respect to some of these changes. Because if we do not have these things continue it is going to make a difference in terms of 2018/19. Now, I understand that the Finance Minister, obviously, when you give somebody a task you have to give them some reasonable timeline in which to deal with it. But I also understand that time does not stand still. Therefore, it is important for the people of Bermuda to understand what we are going to be doing in the interim with respect to tax reform.

And I am also recognising that as we go forward there are some suggestions in here about an . . . and I am mindful of the fact that the previous Government had indicated about creating a Tax Reform Commission and drawing participants from both politi-

cal parties, international and local businesses, trade unions and the Bermuda Bar—so I am obviously looking forward to hearing that person or persons that might be chosen from the political party that exists. Because if you are having some from both political parties that means one of us . . . I am not necessarily saying it is the people in the room, but it is important. But it is also more important and equally important that we get people that bring the expertise because the bottom line was that when we had CARTAC we knew that people came here bringing the expertise.

And I am not saying that you are turning around and you have to just go outside of the country, because I am not a believer in the only expertise is expertise from outside. Okay? I want to make that clear before someone goes down that path erroneously. I am saying that we have got people here with the expertise. We have got the 18 months. If we are going to turn around and try and make this a meaningful result then it is going to be important that we continue with what the Government had said with respect to getting the consultation and drawing it from the individuals.

Now, as I said before, if you are turning around and looking at the Tax Reform Commission Act [2017], in principle one understands what one might want to do. And I understand that the current Government has, if you will, some different parameters. And sometimes I . . . in discussing this with people I use the analogy of going from Barnes Corner to Somerset . . . sorry, going from Johnny Barnes' Roundabout to Somerset. The fact that you can go there, you have got three different routes to go there. You will still get to Somerset, but depending on how fast you want to get there or other parameters, you could make a different choice.

Bermuda's dilemma is that we are on the road right now. We are actually on the road. We have some tax reform changes that are in place, so any changes that you make you have to understand the potential impact of getting to Somerset. You know, whether we get there in time in terms of getting the balanced budget that we thought that we would have in 2018/19, or whether you are going to give that up for some other changes, which is the impact of those persons that . . . in terms of changing the equality or some of the other issues. But I just want people to understand that there are factors already in play with respect to the tax reforms that we, the former Government, put in place.

Now, the current Government has . . . they are able to make any changes they want because they are the Government. But you have to understand that some of this has knock-on effects as it relates to, as I said before, a balanced budget, the collection of these revenues, and then making sure that it is enforceable. Because the other side of all of this is coming up and making sure that you just do not create

things, but you have to turn around and make sure that it is enforceable.

Now, one of the other things that we had looked at before related to the complexity of a tax reform system, or the simplicity, if you will. And this has been one of the dilemmas in Bermuda. The more complex a system you have, you have the need for lots of people to administer it and lots of collection issues, et cetera. So, I mean, I think that this is something that the Finance Minister is obviously going to have to weigh-up the same way the former Finance Minister had to weigh-up because it was stated in the CARTAC Report that the former Finance Minister had said that he did not want to have a real complex system. So that is the choice of the Government. But you have to understand that when you turn around and allow one thing to be a limiter in terms of your total flexibility, it has some knock-on effects.

So, Mr. Speaker, I just wanted to say that with respect to this Tax Reform Bill I know that the principle of fairness is something that we all support. I know that trying to make sure that those at the lower end of the scale have some breathing room, have some, if you will, relief . . . because I remember in the Budget Statement there was talk about the tax changes were going to benefit the lower income earners. I think everybody wants that. And I think also this principle of those who earn more being able to contribute more and those who earn less being able to have some relief is something that we understood. That is why we said in our Budget Statement that Minister Richards said before that this is what we call progressive reform, which is making sure that the reform will require more from those who earn more and less from those who earn less. So the principle of making sure that you do something about the inequality is understood.

The only thing that I think we have to recognise is that tax reform is not going to be able to turn around and do, what I call, income redistribution because earnings . . . how you earn your money on what you do is how you earn money. It is not being given to you just because you are a good fellow. You earn it. Therefore, if we are going to turn around and have tax reform that says that those that earn more pay more, that is one thing. But that is not going to be the answer to, what I call, the inequitable income in terms of those who have a lot and those who do not have as much.

So I think everybody should understand that this is not going to be the result. The result is going to be some way in which the revenue that the Government collects is collected . . . there is greater revenue and more of that revenue comes from the people who earn more. So the tax reform is a revenue-focused item, it is not an income equity item. And I just do not want people to be confused, because sometimes people think that they are one and the same.

Mr. Speaker, I think that I have a couple of concerns when we get into the Bill itself, but I under-

stand why we are doing this and, as I said, I will be looking forward to the Finance Minister and the Premier . . . I say Finance Minister, but Premier . . . and the reason I separate it out because the Finance Minister is the person who is proposing all of these things, even though he is the Premier. And he is the one that is making sure that these things happen so that the opportunity for us to turn around and do something is important.

But I have to come back to what I said in the very beginning, recognising that we are already on the road to tax reform, recognising that the reform that was in place would give us a balanced budget in 2018/19. And when I say a "balanced budget" I think it is important for us to understand that this would have meant for the first time we would have been able to take care of all of our current expenditure and, actually, we would not have to borrow any money. Therefore, we would be in a position that effectively the debt would then be capped and would start to come down. And it is important that people understand that this was the final . . . if we kept on this path, finally we would be able to turn and say that the budget would be creating money [and] that the debt would no longer be going up because we have always understood that this was something that was important to Bermuda.

And, if nothing else, I think the people out there who lent us the money and gave us the good rates understood that we had a past that was going to get us to that point of view and that is why we got very good rates on our debt. And we must make sure that we understand that because the last thing we want to do is anything that would be negative as it relates to the rate that we are charged for our debt. And I am sure nobody in Bermuda wants to end up having to pay more and pay more in taxes if we can turn around and try and do something that gets us to the right result. Mr. Speaker, I thank you very much.

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

Does any other Member wish to speak?

I recognise the Junior Minister from constituency 6. Junior Minister Furbert, you have the floor.

**Hon. Wayne L. Furbert:** Yes, thank you, Mr. Speaker.

Mr. Speaker, let me congratulate the Premier and Minister of Finance for taking this initiative on behalf of the people of Bermuda. It was a promise that was made in the platform, and today, within three months, is now before this Honourable House.

It is significant in this regard: For years . . . and no one around this House can say that the tax system has been equitable. Not one of us can stand up and say that. There are the people that have made millions of dollars—millions of dollars of residual income. What I mean is that they make money when they sleep. Where people who have to work—they have to get up and work it and make their income—

are taxed 100 per cent on what they [earn]. There are people in this room as they sit down around here are making income while they sit. I am not saying that there is anything wrong with it. I hope that all of us can do that one of these days, and we can teach people to do that. But is it fair?

I am trying to reflect back—not reflect back, but think about—what it was like in the 1800s and the 1700s, and how they taxed. I do not know. Maybe they taxed horses. I do not know. My grandfather had some beautiful horses galloping up and down Hamilton Parish and the city. I do not know how they taxed then. But the main tax around the time when we grew up was all import duty, which was passed onto consumers, and it was unfair.

And then we changed to the payroll tax in 1995 and it [was] still unfair because those people who were making the money still were not paying . . . so I ask anyone to put their hands up and tell me that the system is fair. Even after the system that the Honourable Member said that the tax system was reformed by her Government the last year or the year before. You cannot say that.

And let me make it very clear, we are not talking about income tax; we are not talking about that. But can we make the system fairer? There are people who have made millions of dollars in buildings around here—millions of dollars from these international businesses—and pay nothing, besides their fair share of maybe washing the windows. And even after that they pass it on and call it a service charge.

This London lease, which is quite familiar around here, everything from land tax to corporation tax to cleaning the floor to cleaning the bathroom is passed on as London tax. And they walk away with millions of dollars and talk about that being fair. And the person that is making \$50,000 is talking about you have got to tax them on their money. And that is fair? Where you can actually, at the end of the day, fly off and go to Monte Carlo when people here cannot even go to St. George's.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** I can only go down to Hamilton Parish nowadays.

So this is why it is significant that the Progressive Labour Party brings this Bill. And what the emphasis was put on by the Minister of Finance . . . and the Honourable Member talked about collectibles. Even after the Honourable Members put those payroll taxes and duty up last year, I never heard them talk about let us not put this duty up and change the payroll tax because it may not be collectible. I do not remember hearing that part. We are going to always have problems on those issues.

Now, we have got to tighten up and we accept that. It is just a part of . . . maybe we should start . . . anyway, let me get through.

So it says “to ensure that the tax system is fairer and more equitable.” Again, I ask any Member of this House to stand up and say they do not agree with that.

“To ensure that the tax system enhances Bermuda's global competitiveness”—can you imagine if we can find a system that encourages more businesses to come here? They complain about the 9.25 per cent that the Government put up last year—you know it. And then, as I sit in another place right now, complain to me about your 11.25 per cent that you talked about doing next year. Unfortunately, we may be bound by certain things for now until we look at the tax reform system. And the competitiveness . . . because they were paying payroll tax for themselves, the employers' payroll tax, the employees' payroll tax. And now individuals are passing part of the tax onto their employees. So is there anything wrong with that, Mr. Speaker?

In addition, “To ensure that the tax base is broadened in order to reduce the reliance on payroll taxes.” The payroll tax receipts, out of the \$1.1 billion right now, is \$439 million—almost half of the tax system is payroll tax. That means most of it is labour.

The next one is duty, again, a tax on labour because we have got to eat and then they have got to pay for the retailers. They put it on their cost of doing business. And so we ask the question . . . this should have been done a long time ago. Maybe we would have been more competitive in the market for international business and maybe individuals would be able to live in a more fair society. As you know, the middle class has been pretty well struck . . . some depleted over the last umpteen years.

So we cannot say that . . . I am talking about ensuring the competitiveness. It has to be part of our mandate. And that Honourable Member said that we cannot make it too burdensome. I think what you are saying . . . and I know what you are saying. You are saying that—and I agree with it to be honest with you—if you put in this tax system then you have these tax people running around, financial people running around making sure you are paying your taxes. It has got to be where we keep the cost of actually collecting the tax down.

But I see here that the Honourable Premier and Minister of Finance says, “To ensure simplicity and transparency in the tax system in order to reduce the cost of administration and to promote tax compliance.” That is part of the mandate of the Tax Reform Commission, and “to ensure greater compliance in tax collection.” Is that not what the Honourable Member was asking? And maybe that is the Honourable Member who may be on the Commission, I do not know. She said the Minister . . . maybe the Minister of Finance will suggest her name, she has the right . . . the Honourable Member has the right, sitting there at the table, to say amongst the, I think it was seven individuals, *We've got to make sure that is done.*

So when the report comes back here the Honourable Member has to say that collection is there, reliance, the cost of administration is down—that is perfect—everything that the Honourable Member had talked about.

So we have a tax system that has been inequitable for a very long time. We have tinkered with it. We will say okay, *Let's put some tax on . . .* and that is why the payroll tax took place in 1995. As a matter of fact, I was part of that Cabinet in those days when we brought that land tax Bill and I am not going—

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** I am not going to go back there.

*[Inaudible interjections]*

**An Hon. Member:** Stay focused.

**Hon. Wayne L. Furbert:** I am staying focused. As a matter of fact the Honourable Member who is moving his—

*[Inaudible interjections and crosstalk]*

**Hon. Wayne L. Furbert:** —moving his glasses was probably the Minister at the time.

I am just saying that at the end of the day that this is the right thing to do. And I am hoping that the Opposition will get on board. There are going to be some challenges. We have to report back . . . I think the committee has to report back within six months. But we have got to obtain revenue for . . . everything.

So we are sitting down in the Ministry of Finance, *Well, what are we going to do this year? Well, okay, we are going to increase the duty on luxury goods*, where the Minister, last year I think it was, was going to increase on . . . watches 30 per cent. Then they rolled it back and said, *No, no, it is 6 per cent*. There is nothing. But what is that? We do not keep on playing with things. And, like I said, international business is complaining about right now up to a certain amount. Retail went from 2 per cent up to 10-point-something per cent—a 400 per cent increase! And is that fair?

We have got to look at the whole process of how we are going to raise revenue. And, yes, some of us may have to pay a little more because at the end of the day we have got to do it. But you cannot tell me that all these buildings around town have been getting away for over a hundred . . . how many years have been have they been in existence, 300 years? I do not know how long the City of Hamilton has been here, but since then . . . 200 years. Let us say it is 200 years. And I am the landlord who owns a building on Front Street and I have not paid any money (I could stand to be corrected) on my million dollars that I have

been collecting from international business all this time. So when the economy was booming from 2000—

**An Hon. Member:** [It is] 1999.

**Hon. Wayne L. Furbert:** —1998 to 2006 and all the international business, because you overcharge here, your rate goes down \$50 an hour plus service charges and that \$50 was never taxable?

As a matter of fact, we should backdate it. We would probably pay off the \$2.5 billion that we owe. And that Honourable Member says that the former Minister of Finance was balancing the budget in 2018/19? That is absolutely not true. The budget balancing was taking place in 2019/20.

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** I am looking in the Budget Book myself, which part are you reading?

*[Inaudible interjection]*

**Hon. Wayne L. Furbert:** Mr. Speaker, I am not going to get into that. But all I am saying to you is that the book I am reading . . . it did not take the balance until two thousand. Now, if you want to take the Sinking Fund out, that is a different story. But we have got to account for the Sinking Fund set up by David Saul in the 1990s.

So I am sure that the people out there, the electorate, the individuals are pleased that some group is going to sit down and come back with a comprehensive report and say back to Parliament, *Here is what we have found. Here are the problems; here are the pros and cons about why we can't do certain things*. And based on that, this House will have the right to decide. And I believe I read that it says that we will have a full debate on the report once it is laid down before Parliament. I think that is extremely positive going forward.

So, I mean right now our payroll tax, our tax reform . . . 72 per cent is collected from payroll tax, import duty, land tax and international companies. Well, there are a whole slew of things that I believe can be looked at. As I said, there is residual income out there that can be looked at. I mean, everything is on the table except for the exemption of the tax that we gave to the international business, I think it was 2030-something right now—2036—off the table. But everything else is on the table. But I believe that the commission or the committee that will be set down will look at things to make sure that we have a balance. Not one person, one entity, or one group should be taxed 100 per cent. That is absolutely wrong. But we have got to make it fair going forward.

So, Mr. Speaker, what will this do? Encourage investment and growth within our country. We hope to

be able to attract more business to Bermuda. Let us say we found a way to remove payroll tax from international business totally—let us say we found a way, I am not saying we will, but totally. That is 25 per cent or whatever they pay . . . I am saying for 9.5 per cent, or let us say 10 per cent (which is rounded up) on payroll, which they can now probably hire more people to do business in Bermuda. One of the reasons why they probably ship people out of Bermuda to India or Canada or wherever they have done, is because the cost of doing business [here] is very expensive, particularly whether it was housing, whether it was rental, whether it was payroll taxes, a whole list of things. But if we were able to find a way to lower the tax burdens on international business coming here, that will, I believe, encourage them to come here and hire more individuals.

So, Mr. Speaker, again, with those few words I would like to thank the Minister of Finance and Premier for the vision. And I am sure the country overall will benefit from this particular exercise going forward. Thank you.

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

I recognise the Opposition Leader. Madam Opposition Leader, you have the floor.

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

Mr. Speaker, I would just like to make a few comments with respect to the Bill. Clearly, nobody is going to argue that equitable taxation is the desirable state for any economy. It is, perhaps, the burden that falls down on one side of the taxpaying public that is looked at as being unfair. Those who have more money may consider that they are being hard done by because they have more revenue flowing through their coffers.

Mr. Speaker, let me just say that the idea of having to raise additional money, certainly from our previous administration (and I would think from administrations prior to us), was predicated upon the deficits and the additional expenditures that have occurred. In order to try to make end meets we had to find money coming into the coffers. So while Members opposite may have criticised some of the approaches towards revenue generation that were undertaken over the course of the past five years, it has to be recognised that that was done against the backdrop of having significant expenditure, which we were obligated to meet in terms of an increased civil service, increased cost of doing business, just extra money; money that was not left in the kitty based on some of the way that money had been expended over the years prior. So I think that it is very easy—

*[Inaudible interjections]*

**The Speaker:** Members, Member—

**Hon. Patricia J. Gordon-Pamplin:** It is very easy to criticise the methodology for the creation of additional revenues that was undertaken under very stringent circumstances with very difficult collectability for funding, and some things had to be put in place.

So when the CARTAC Report was commissioned, one of the recommendations that was looked at was the GST that the Government, the former Government, had determined that might be one way of bringing additional revenue into the coffers. I know that I attended very recently the meeting for ABIR at which the Premier indicated that the GST would not be implemented at this time. So, while that may have contributed a fair amount of money, the Government has made the determination that they will put that on hold for the minute and perhaps wait and see what this Tax Reform Commission is likely to come up with and what ideas they might be able to advance in order to ameliorate the challenges going down one side or the other of the economy.

But there have been several taxation studies, several reports on how to look at our tax structure. We had a report, I think it was the Spalding Report somewhere around the mid-1990s, 1996, 1997. Some of the output that was given at that point in time was not necessarily advanced by the administration that came in around that time. So now we have the CARTAC Report which the former Finance Minister Richards was going to look at how we could implement some of their recommendations. And then, obviously, we are no longer the Government. And now there will be a new Tax Reform Commission, which will be constituted as a result of today's Bill.

So, all of the ideas that are advanced from the various studies that come forward are of no consequence if we do not take the time to implement or at least to recognise the value of what some of those contributions may have been to help to contribute money to the economy.

So, when we look at the Minister's brief today when he spoke to the purposes for which he wanted to have this committee "to ensure that the tax system is fairer and more equitable," nobody could argue with that. But one of the things that we have heard, Mr. Speaker, consistently and persistently, is the amount of money that flows through the international business, how much money they have on their balance sheets, how much they are able to generate in revenues in their specific spheres, and whether that was ripe for picking in terms of a further contribution and not just on the payroll.

But I think it is important, in order to ensure that there is no confusion in the minds of the listening public, that the money that is generated by the international business is not . . . the profits on those businesses are not available as a result of the Exempted Undertakings Act. And I am just reiterating . . . it is not a criticism; I am just reiterating because that is one of the criticisms, or one of the observations that has

been long since said within the community and, in fact, spoken on the floor of this House under previous administrations.

I remember former Member Wayne Perin chief standing and saying, *Those exempt companies make a whole lot of money. We can tax them more so we can get additional revenue.* I remember that very clearly. And the Honourable Member from Somerset remembers the conversation, because it brought a lot of hullabaloo at the time because it was a reminder at that point that there were obligations under the Exempt Companies Treaty.

And I was pleased to hear the Premier give comfort to the members of ABIR a couple of days ago indicating that there was no intention to revisit or to renege on that particular agreement at this point in time. So I just want for that to be juxtaposed against some expectations that people may have that there is a lot of revenue over here that could be looked at.

So now we are looking at taxation on some passive income. Now, we do not know what ideas this Tax [Reform] Commission will come up with. And I think that once they put their collective heads together with the cross-section of people upon whom they will rely to have input to determine what ideas are good, bad, or indifferent, and then to determine what the Government will propose to accept and to introduce as a result of the recommendations, I think that when you start looking at . . . we have heard specifically about taxes on commercial buildings.

Now, commercial buildings did not appear out of nowhere. So people who built commercial buildings may have had mortgages. They may have asked for funding in order to be able to satisfy the cost of the construction of those buildings. So when we say that there are buildings that are getting rents, let us make sure that before we start to covet what monies people have, that we also take into account the possibility that there may be encumbrances on the assets that they possess that also have to be taken into consideration.

The fact that one might have a large property and this property generates revenue, generates income, does not necessarily say that that income is net income. And I just think that there is a difference, from an accounting perspective, to point that out. Because you could get a million dollars in rent a year and you could be paying \$995,000 a year in debt service charges on that money that you are raising. So, let us not just assume . . . and I know that the tax commissioners and the experts that they will bring on board will have an appreciation for this. But I think it is more important, at this point, to point out from a public listening perspective that we should not have unfair expectations as to what this new exercise is likely to reveal when all is said and done.

Now, I did mention that the GST . . . the Premier had indicated that they were not going to implement it at this time. But that is another area that

could be looked at. You know, when you see some of the compensations that come from a labour perspective and some of the corporations who have the ability to pay far higher remuneration to their employees, and it might appear to be almost unfair, but with the progressive taxation that has gone into place those people who were earning less than, I think, \$135,000 was the break-even point, under that they would have been able to realise some tax savings on their income and over that people would be subjected to paying more tax than they were prior to that particular regime going into place. But that is a part of *let me pay my fair share.*

But when we start looking at commercial buildings and passive income on income from your investments where . . . you know, I can remember as a student studying taxation in the UK when they had their tax system it was not just punitive, it was extortionate (was the way I used to say it). Because apart from the regular income tax, once you took off the allowances that were provided and permitted, they would then classify what was left of your income into various bands and the genesis of that income. So if your income was from rents, it was taxed at a certain rate. If it was from investments, it would go up a certain . . . the first band would be at a certain per cent. So they had a progressivity towards the implementation of what it did.

But there was what was called an “investment income surcharge” which, at the time (I know it has changed significantly subsequently), at the very top level of the income range for investment income, the effective tax rate for the very top level was actually, in some instances, 98 per cent. So if that is not counterproductive and counterintuitive as to why you are going to have investment income where that top level was going to be taxed at 98 per cent . . . ?

So the Chancellor of the Exchequer at that time (and I am going back to the late 1970s) had a recognition and an appreciation that this was not working and, therefore, they had significant reform in the tax structure there at that point in time. And not only did they change the investment income surcharges that were put on people’s revenues coming in they also lowered the regular tax for payroll. But it was also done against the backdrop of making sure that efficiencies were gained such that the expenditure, on which the taxation coming in was put to satisfy, in and of itself was looked at carefully.

So it is not like you want to raise a whole lot of extra revenue so that you have got more money to continue to waste money out the other side. The idea has got to be that there has got to be effective balance, that this money that is coming in can do efficiently operative things within your economy, such that you make sure that your expenses are kept in check. And then the money that you have got—the additional funding that you have coming in—is going to be in a position to help you to pay the debt and the

debt service that you have incurred as a result of other things, either social things or building programmes and the like, in order to make sure that the mortgages, if I can put it that way, of those instances have actually been satisfied.

So, I think it is important to recognise that it is difficult. And if we talk about fairness, it is not fair to raise additional revenue, however the balance comes out at the end of the day, if we do not keep a handle on how that money is going to be spent out the back end of the equation.

We heard . . . in that vein, as the Premier addressed the group . . . and let me just say for clarity that I attended that function in my capacity as being the accountant for a company that is a member of the Association of Insurers and Reinsurers in Bermuda. So certainly I was not there by any means to critique or to have any inside infiltration of what the Premier was likely to say. No. These are things that impact the job that keeps my lights on, so I think it is important to say [that].

But one thing that was brought up was that there are people who have not been able to have raises for a period of seven years. Therefore, their income has been effectively eroded, because once inflation has set in it has created a challenge. And that we understand and that we appreciate. But when you have to hold the purse strings very tightly to try to make sure that we do not go worse in the hole and fall completely over the precipice, where the country was financially, then we have to make sure that we balance all contributions. So the income, additional revenue, bringing in . . . having an additional pillar, broadening the tax base is obviously critical. But maintaining a specific control on expenditure is also very important.

So, from a perspective of taxation, what we also have to be mindful of is that in our ability to maintain a stable pillar of our economy we do not want to dissuade or, let us say, we do not want to continue to rob the goose that laid the golden egg, as it were. So it is a balancing act. It is a balancing act, and it is one that we as a community, certainly we as Opposition Members along with the Government, have to recognise what is going to make us remain buoyant as a community, what is going to protect our credit ratings in the international arena so that money that we have coming in is seen to be expended appropriately and intelligently so that we are not putting at risk our credit ratings, which ends up meaning that we have to pay more on borrowing. When your ratings go down the cost of borrowing goes up. So we have to make sure that we do not dissuade companies from giving their fair contribution to the economic benefits of the country by them thinking that their taxation . . . or that they are being taxed inequitably.

So I think it is a balancing act, and it is clearly one that we have to traverse that minefield and we have to do it appropriately. So while it might be easy

to say that this person has a building, that this person makes a lot of money, that this person has this, that, and the other, let us not, from the outside looking in, make an assumption that . . . how many people are land rich and cash poor? How many people have buildings? How many people have mortgages? And when we start on commercial buildings, is the next natural progression going to be private home owners?

Are we going to start looking at Granny who has worked her entire life and has had her income taxed as she has saved up the extra and made the sacrifices to put together and perhaps build an additional apartment onto her home? Is that going to be the next thing down the line for taxation? Because Granny is now relying purely on the revenue coming in from that rental accommodation to be able to sustain her financially and economically.

So these are the things that we need to be mindful of as and when we look at tax reform. We certainly have to trust the tax commissioners or the Premier—whether he is going to do it or whether the tax commissioners will do it. But choose those people wisely who will form a part of the consultative group so that there is a good cross-section of ideas that are efficient, that are effective, and that are able to be implemented reasonably soon, which is what the Government has committed to, and to make sure that it appears to be equitable all the way around.

I think with those few comments, Mr. Speaker, I will take my seat. Thank you.

**The Speaker:** Thank you, Madam Opposition Leader.

Does any other Member . . . I recognise the Honourable Member from constituency 21. Honourable Member Commissioning, you have the floor.

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

I would remind the Opposition Leader that the recommendation is to form a commission that will deal with the whole question of tax reform.

Secondly, on the issue of income, passive income, as outlined by the Junior Minister of Finance . . . I am sure she is aware that we have at least one Member who heads up, or is part of a company or ownership group that controls 100 properties around Bermuda. One hundred.

*[Inaudible interjection]*

**Mr. Rolfe Commissioning:** I mean, let us stop being naïve. Tax systems from time [immemorial] have been about the redistribution of income and wealth. So the question is then, where do you draw the line? And how is that informed not only by political calculations but also by even issues of morality, to be honest about it?

In Bermuda we have had a very privileged minority who have lived quite comfortably off a tax system that was designed to enrich them at the ex-

pense of the many. In a CURB Report on the issue—frankly, which will have some bearing on the next discussion, which is about the issue of immigration—that they published about a year and a half ago, I found the following:

“In 1940 The Colonial Development and Welfare Act of 1940 . . .”—from the UK—(the Act) “promised British territories extra funding for social and economic development. However to be eligible the colonies had to agree to a series of labour and social reforms.” (This was 1940.) “Despite tremendous pressure Bermuda refused to implement any of the social and labour reforms. There was no trade union act. No compensation for workplace injury. No minimum wages.” (And I will get to that in a second, we are talking 1940 now.) “No child labour laws. No pensions. No labour dispute conciliation. No reduction in the fifty-four hour work week . . .” (Which slowly is creeping back for some, I might add. Listen to this part.) “‘For a hundred years’, concluded the American vice consul,” (Who was here at the time—we are talking about the onset of World War II, the construction of the bases is taking place.) “‘For a hundred years’, concluded the American vice counsel, ‘a small group’” (And I interpose here a small group consisting of Bermuda’s white wealthy oligarchy, being redundant there, oligarchy and wealthy are the same thing.) “‘has made Bermuda its own paradise by controlling legislation and by seeing that taxation policy kept all but themselves in strict economic subjugation. While they themselves accumulated fortunes subject to no taxes whatsoever . . .’”

For a hundred years the American vice consul, I repeat, talked about this small group who had control over Bermuda’s system of taxation. The system was so perfect in its perniciousness that one American businessman stationed here at the time termed it “a modified form of slavery,” which, indeed it was. That is the tradition of this system, the roots of this system which we still have today, as the Junior Minister said, tweaked from time to time. But even that may be a euphemism, and I will apply that description to what we saw last year with this Government touting and using terms such as “being progressive” and how we are going to inject progressivism in our tax system.

*[Inaudible interjection]*

**Mr. Rolfe Commissiong:** That is my point.

Now, Mr. Speaker, I took a look at the CARTAC document, and there is a lot to be commended here. But where we can fault them is that they decided not to do what we are doing by the formation of a Tax [Reform] Commission. They did not release this Report; and if they had won the election we still would not have it, I suspect.

*[Inaudible interjection]*

**Mr. Rolfe Commissiong:** On page . . . the other difference is this—and they can make of it what they want. On page 6 in the Executive Summary, CARTAC (being the Regional Caribbean arm of the IMF), on page 6, I quote with your permission, Mr. Speaker—

**The Speaker:** Go right ahead, go ahead.

**Mr. Rolfe Commissiong:** It says that the “Authorities prefer a tax reform that will increase the revenue provided by the existing taxes though they are open to proposals that would expand the tax base and improve equity. They do not want to increase the size of the tax administration but rather improve its efficiency and simplify compliance. Therefore, they rule out the introduction” (listen to this part now) “of a full-fledge income tax or a value-added tax.”

And I just at this point want to probably convey that I am sure that there was more than enough self-interest in that decision. In contradistinction to that, this Commission is going to be given a free rein to examine the whole range of our tax system with respect to making recommendations. There are parameters but, certainly—and I say this proudly—nothing is off the table, and neither should it be with this independent bipartisan commission . . . with this *independent, bipartisan commission*.

The other rationale you are hearing about is, *Oh, we don’t want to make the system more complex. You know, we don’t need that. We have a complex, Byzantinian, broken tax system now. We have like four or five different offices that collect the taxes all around Hamilton and maybe one or two somewhere else. But to show you how broken the system is, as of 2014/15, by way of the CARTAC Report, the total arrears is at a point of \$197,000,000.84. The total arrears owed to the Bermuda Government via the various tax schemes that the Government manages as of 2014 were \$197 million-plus. Payroll tax, I am sure we heard this figure here, \$146 million as of 2014/15 was owed to the Bermuda Government; land tax, \$39 million; stamp duties, \$2 million; hotel occupancy tax, just under \$4 million; corporate service tax, \$1.5 million; others, \$1.4 million, when you break it down in that way.*

Mr. Speaker, I believe Bermuda is at an inflection point on so many different areas. And I believe that there are not going to be any easy solutions, nor easy options. We are at a point now where we have to make the hard choices. And we often heard about shared sacrifice, I hate to go down memory lane, but it was a phrase we heard often from the side that contained . . . on the other side there. But when you really talk about shared sacrifice and spell it out, or at least lay out the parameters of what that may look like as this report, in terms of the parameters laid out in the Tax [Reform] Commission proposal, suddenly you hear again the excuses, the reticence. *Well, as long as you don’t come after me or my holdings, or require*



*me to pay more* . . . I am translating, but that is essentially what we are hearing.

So, Mr. Speaker, I just want to say that this is only part of the puzzle. I have now embarked, and have been for the last year and a half, on the issue of the living wage for Bermuda. The backdrop to that and this is growing, without indulging in hyperbole, rampant income inequality in Bermuda. Income inequality is corrosive. It has had the impact of beginning to hollow-out our middle class. It has had the impact of increasing the numbers of people who can be rightly considered or characterised as the working poor. We have seen our social cohesion, as a consequence, begin to unravel. And the other pernicious impact of income inequality is to reinforce and increase the growth of racial disparities in Bermuda. Okay? That is the reality. The figures, the stats, bear it out. I am sorry if you do not like to hear that, but that is the reality. Either we are going to have an evidence-based conversation or we are not; so let me know now.

Now, having said all that, we have a country that does not even have a minimum wage in 2017. Part of the damage of income inequality has even been masked somewhat in Bermuda because some of its chief victims no longer live here anymore because they left because they could no longer afford to live in Bermuda. They are over in the UK and in some other parts. And you know for some of our people, when you find out that some of our people . . . and you know our culture. They are actually willingly going to live in the UK. Now you know it is bad. Come on! At least with my generation . . . I cannot speak for the younger ones.

[Laughter]

**Mr. Rolfe Commissiong:** That is when you know it is really bad. I am not talking about our young people with two or three degrees that go to work over there for a couple of years. I am not talking about that. I am talking about Bermudians, largely without a college degree, coming from low-income families in Bermuda—black Bermudians in the main, but not exclusively—who have left here because they feel, Mr. Speaker, that they can no longer afford to live in Bermuda. These are the impacts of growing income inequality.

The other thing that income inequality does is . . . look at the education system. Do you think the answer to what is happening in education lies only within the halls of academia? Income inequality also impacts educational outcomes amongst those of low socioeconomic status. Again, do we want an evidence-based conversation or not? Gang violence, gang formation . . . huh? Guess what? It contributes to that too.

So in conclusion, Mr. Speaker, we still have a lot going for us. Again, it is an inflection point in my estimation of where we are at. I believe that we can turn this around if we address these challenges head-

on. The Premier admirably, eloquently and elegantly laid out these challenges. I am happy to be a part of a party that has managed over the last couple of years—and do not think that this did not play a critical part in us winning this election—began to get its ideological house in order. Okay? That was one of the keys to victory. And it started at least two, three, four years ago after we lost the last election. And you are hearing that come out now. You heard it in our platform; you are hearing it now in the policies and suite of proposals that are coming out from our capable ministerial team—these fine Members, young men and women here. The party is moving back to its roots ideologically, but in the modern context, or should I say post-modern context, just to show off a little bit?

So I believe we have a lot going for us, and I am optimistic about the future if we can get this right. Okay? If we can get this right, we then can move forward confidently into the next decade or more. That is our challenge with it. Let us bring our people home, let us have progressive reforms, let us ensure that those who have more pay a little more, contribute a little more to the society. What is wrong with that?

I heard the Opposition Leader talk about in the UK back in the 1970s (some would say over there *the bad old days*), you had this 90 per cent tax on investment income, or something like that she said. But she is quite happy to have the other extreme where there is no tax on income, no tax on personal or corporate income. That cannot be right. That is just as unbalanced as what she described as the reality in the UK during the 1970s. That is what contributes to the massive growth of income inequality in our country. Nobody is served by this. Thank you for that, Member from constituency 2.

So let us link arms here and go forward. The status quo is no longer serving us. And I suspect that even members of the international business community realise that and they are concerned as well. I have only gotten very favourable feedback from them, even on the living wage initiative. I am not calling any names, but there has been a core group who has been very supportive of that. Why? Because they realise that if we do not address these issues (and I will use that term again) the social cohesion that has been such a part (because we were a middle-income society to a degree that we are not anymore) is going to make an environment that will not bode well for them and their investments and their companies. It is the right thing to do.

Lastly, Mr. Speaker, you heard that the Premier went over to Europe to ensure that he could address any outstanding threats to Bermuda's strategic position with respect to the international business sector. People always talk about how international business has done so well for Bermuda. I spoke here the other day and made the point that we need not be uncritical cheerleaders of international business. We have to look at their massive contributions to the soci-

ety, but also the impacts that they have. To some degree, their unfettered growth has contributed to this question of income inequality over the last 20 or 30 years. That is the reality. But we need to find a way to have everybody on board, and I believe that we can do so at this first step with this Tax [Reform] Commission and the report of its recommendations.

**The Speaker:** Minister, can you control that phone?

**Mr. Rolfe Commissiong:** I guess they are cheering for me as well . . . singing for me as well as the Premier.

So we can get it right. And I am confident that we can if people have the moral and political commitment to make it right, where Bermuda can truly work for all of us and not just a few.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak on this item? No other Member is going to speak? Okay, I recognise the Honourable Member from constituency 20. Honourable Member Jackson, you have the floor.

**Ms. Susan E. Jackson:** Good afternoon, Mr. Speaker.

I just want to make a few observations about this particular piece of legislation. I am looking back on the Throne Speech and I noted that in the Throne Speech there seemed to be a number of committees and commissions and tribunals and all kinds of think groups that were going to be formed in this new Government. And I reflect on, even today, the fact that this is now our second group of people that the Government now wants to organise and the second of these groups of people that will be paid; and that there is a considerable amount of money that is going to be spent in order to have these commissions.

Now when we look at this particular commission, the Tax Reform Commission, a group of people getting paid to come up with some sort of tax reform, when at the same time there is no denying the fact that there already is a professionally produced document that outlines Bermuda's tax system and makes recommendations and suggestions and observations about what we can and cannot do here in Bermuda . . . one of the big pieces seems to be the idea of could we have income or VAT [value-added tax] in Bermuda.

Well, it has been made very clear in this document . . . and I do not believe that if we were to go into the civil service and we were to ask the tax commissioner and any of the other associated departments whether we would have an efficient system in place to be able to handle something like a VAT . . . they would probably say no. And I am only questioning what the point would be of paying a whole bunch of people to sit around and attach reform commis-

sions—and that is one expenditure—to talk about putting in place a system of which we would probably need an entirely new system that would cost yet more money, and we are doing all of this under the environment of we do not have that much money here in Bermuda to be spending on a lot of associated and additional projects and expenses.

So I just am curious what the Tax Reform Commission is actually going to do. I am also interested in finding out how long it is going to take them to come up with something that if the tax reform from CARTAC could not figure out, what we are going to figure out that would be different. And then put this all in place in a timely fashion that we would then be able to actually earn some revenue from this before we all go south financially.

All I am saying is that to me it just feels as though we could well be kicking the can down the street. There are already some fine recommendations that have been put forth by a professional group of people. I do not understand why we cannot just digest some of the information here, put some of these suggestions into place, and then when we have the money and the resources, we can then start to build on some of these larger projects that may be very new to Bermuda.

With that said, I just feel as though Government is doing [one of] two things. Either they are pushing the can down the road, in which case none of this is really going to take place for a long period of time and we are stalling; or we are going to put this commission in place, we are going to pay people a whole bunch of money to come up with the exact same thing that we already have heard and then talk about how we need to spend even more money on a system to collect the taxes, on which we would be then spending even more money.

So I just do not understand where the sense of all of this is, especially given the fact that we already have a framework in place.

Thank you, Mr. Speaker.

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

Does any other Honourable Member wish to speak to this?

I recognise the Honourable Member from constituency 2. Honourable Member Swan, you have the floor.

**Mr. Hubert (Kim) E. Swan:** Yes, good afternoon, Mr. Speaker, and thank you very much for the recognition.

I certainly rise to support the wisdom of looking at tax reform in Bermuda. We were elected by a record amount of voters in Bermuda, equalled only during the time when persons under the age of 21 were not even allowed to vote—with 59 per cent. And I believe in all honesty everyone in this Chamber would agree that fairness and equity played a very distinct role in why people felt it necessary. And, yes,

we cannot make any apologies, Mr. Speaker, for fulfilling that agenda.

I have heard the code words. And it is easy for persons to portray the language that raises the bogeyman. But let me just remind us that in the period between 1999 and 2007, Bermuda enjoyed the most robust economic period in its history. And it was not the immediate past Government or anyone who served under a former Government that created that climate. It was, indeed, the Progressive Labour Party.

Let us also remember that the period that brought that robust economy to a close was the recession. And the culprit of the recession was not the Government, who had to come up with some very immediate and difficult decisions to meet that. Right? Those decisions that caused that economy to collapse globally, and by extension Bermuda because of our economic connections internationally in a large way punching above our weight, were made by business decisions in the boardrooms. Not the workers of Bermuda, like the workers of the hotel industry of Bermuda who took a pay cut as early as 2009, and I believe it was the triennial conference of the Union, an unprecedented move that was only greeted a few years later with lay-offs of some of the same workers that took a wage freeze, and the remnants of that go on.

So we hear about the goose that laid the golden egg. But we know that many golden eggs were laid under a labour party government. And it is easy for us to throw that out there. But I think it is important that we recognise some truths when we look at that. And I am sure there is criticism that persons would ably jump up, but not trumpet those particular facts.

When we look at stability in Bermuda and stability for Bermuda in a global climate workplace, let us not look past the stellar job that our very Premier did only last week in London on the BBC, when any lesser man could have folded and been the subject of many a blog comment. But he went through it in a stellar way, protecting our interests in the global economic community. And that is important to appreciate because we must dispel the notion that we can fly the flag of the bogeyman and just look past an election platform that has been put forth.

And let us say that when we look at income inequality and we look at the origins of it, we cannot just let it go by. We cannot. It is far too important for anybody because I listen when persons who sit opposite of the Government would then find great strength to talk about the very things they failed to act upon when they had the opportunity. I would hope, and I will encourage our Government, my Leader, to move forward on the very measures of empowerment that many in this House, whether or not they said it—Government or Opposition—espouse, and in the quietness of canvassing, will say, *Oh, I support that*.

But it is time, because I want to draw attention to this Bill that calls for a bipartisan approach to look at the very mechanism of taxation. It is contrary to

what people protested against any number of times with the past administration because bipartisanism was a foreign language. But let us speak . . . we are prepared to speak Bermudian to this. It is Bermudian persons who have found themselves disenfranchised, it is Bermudian people who have worked and found it difficult to find work, it is Bermudian people who have had to endure and live without health insurance, it is Bermudian people, by and large, who have really had to do less with less. No need to do more.

So what is the social climate that is borne out of that? And it is easy, it is far too easy for us to say, *Let's just do it when everything is okay. Let's just do it when we balance the budget*. It is also the mandate of this Government to balance the budget, and the Finance Minister and Premier has set a date. And as one who has certainly spoken up vociferously in the past and continues at every opportunity to draw our attention to the debt, it is important that we look at that. But we have to chew gum and walk and talk at the same time.

And so I would urge the Opposition to support this measure. You are going to be a part of it. You are going to have the opportunity to say what you feel about it. But if you really and truly want persons to take you seriously about levelling the playing field in Bermuda, you have to admit that you have to start where the money lies, because people that look like me do not own the businesses in Bermuda. We would like to, but we do not. And there are persons out there that will say, *Work harder!* But people still overlook you, notwithstanding your educational qualifications, notwithstanding your experience, notwithstanding the amount of knowledge that you bring where people from all parts of the globe will accept you and appreciate you, love you and value you, except in your own land.

So if you really want to embrace the equality that you would talk about when you are not in Government, join with us on this. It is an opportunity. There is no need to invoke the bogeyman anymore because 2003, 2004, 2005, when I was doing a good job jamming up the Government, businesses (as a former leader of Bermuda once said) support governments. And they did well under the PLP administrations. Businesses did well. The working class we have to cast our mind to. We really do. And this is an opportunity to look at what fairness looks like in an economic climate because it is economics that has caused the exodus, as Mr. Commissioning has spoken to so eloquently, and not just since he has been a Member of this House. He has written about it time and time again and made great sense. It is time for us to look at measures such as this in a sober manner and look at it with an eye to a solution that serves Bermuda well.

Persons like to talk about, *I put Bermuda first*. This is the Opposition's opportunity. This is the Opposition's opportunity to put their actions where their mouths and their pens and their blogging friends may

lie. Take this Bill and look at it for the opportunity it presents for our future generations. Because if you truly would like to see persons who you would trumpet and stand with and hug up in a photo-op, if you really want to help them, let us look at a system that has not worked for them. And, clearly, the economic system has not been the one. This is just but one example in which we can do something collectively.

And we saw it happen before. I was part of *Bermuda First*. There will be persons that will say, *Yes, it didn't work*, and the like. But a collaborative effort did take place. Let us take the good out of that. Let us not focus our minds on the bad, and let us take the positive and work toward it for the betterment of our country Bermuda.

Tax reform is necessary. Tax reform that benefits all Bermudians makes eminent good sense, particularly when all statistics, notwithstanding the delayed census, can prove that there is a group of people who fare worse and have done so for decades. The time for fighting that argument is long past. The day for action has come. And let us cast the bogeyman aside because I do believe that international company businesses know they did well under a labour government once. And when we have a country that is rowing in the same direction for equity and fairness, all can rise with that tide.

You saw the tide rise in St. George's and it spilled over into the square and rose up. All the boats rose that day. All the boats in Bermuda need to rise. Not just the privileged few. That is my contribution. Thank you, Mr. Speaker.

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

Does any other Honourable Member . . . Minister?

I recognise the Honourable Minister Brown. Minister Brown, you have the floor.

**Hon. Walton Brown:** Thank you, Mr. Speaker. I just have a few comments to make.

**The Speaker:** Brief?

**Hon. Walton Brown:** Very brief.

**The Speaker:** Thank you.

**Hon. Walton Brown:** We have a fundamentally unfair taxation system. This Tax [Reform] Commission is absolutely necessary to address it. It needs to be addressed in a way that creates a far more just taxation system.

For all intents and purposes right now, Mr. Speaker, we have income tax for poor people because the totality of the income of a poor person, a low-income person, is taxable. The wealthy only pay tax on their wage or their salary. Other income streams are not taxed. It is a fundamentally regressive

taxation system and this Government is serious in its intent to address it.

The OBA Government were not serious about addressing the question of tax fairness and equality because when they set up their very commission, or that CARTAC would be coming to Bermuda to assess our tax system, they gave a carve out and said, *You can look at everything, but don't talk about income tax*. Well, how on earth can you properly address a taxation system if you are not going to look at the fundamental driver of a much more fair taxation system? So that was a weakness in the previous Government. We have moved beyond that and we will give the Tax [Reform] Commission a wide, broad mandate to be able to address any issue that relates to creating a better and a more fair taxation system.

One of the impediments to an enthusiastic approach to addressing tax reform, Mr. Speaker, is that there are elements within the international business community who just whine when you talk about a fairer taxation system. You know they have their payroll tax cut off at (what is it now?) \$950,000. It used to be \$750,000, I think it is now \$950,000. So what it means, Mr. Speaker, is that the wealthiest segment of the community actually gets a tax break. So when their income rises above \$950,000 they do not pay a higher tax, as it is in most responsible democracies, they pay a lower tax because it is cut off. And so you have the most bizarre case of corporate greed, if you will, Mr. Speaker, when a single individual could earn a pay package of \$30 million in one year, but pay tax on it as if he earned \$950,000. That is unfair. That is unequal. That is what needs to be addressed.

So, I applaud the Premier for bringing forth this initiative. This was part of our election promise. We are carrying it out. I look forward to a robust, all-inclusive and expansive report from the Tax Reform Commission. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Minister, for keeping it brief. Any other Member?

The Honourable Member from constituency 10. Honourable Member Dunkley, you have the floor.

**Hon. Michael H. Dunkley:** Thank you, Mr. Speaker, and good afternoon colleagues. Like the Honourable Minister who spoke just before me, I will keep it brief as well.

**The Speaker:** Just as brief, I appreciate that.

**Hon. Michael H. Dunkley:** I do not know about just as brief; but it will be brief.

Mr. Speaker, I will address this in three ways. First off, I generally support the Tax Reform Commission. I think that any time we can take a look at the tax system I think it will be appropriate, and I applaud the Government in bringing a bipartisan approach. Obvi-

ously, the proof of the pudding is always in the eating, who is appointed to that Commission, how they conduct their work in the timeline that is provided, and the openness of their consultation. But by the piece of legislation in front of us here this afternoon, it seems clear to me that the intent is an honourable and noble one. And I think we support that.

Obviously, everyone in this Honourable Chamber wants to ensure that we have fairness in the system. But, Mr. Speaker, I just reflect on what I have seen around the world in past years in discussions about taxation systems. It seems that there is a great deal of discussion and no one has found the perfect medicine at this time. And so the discussion continues on and on and on.

I hope that this approach can bring some positive benefits to Bermuda because, yes, we do want fairness all around. We want people to pay their fair share of taxes. And also, Mr. Speaker, as it has been alluded to in the debate earlier this afternoon when it started, we want to make sure that when tax is imposed on quarters of our community that it is actually paid. So not only do we have to go out and set the revenue rates in various taxation, but we have to go out and collect it.

One of the things that was interesting about the CARTAC Report was a comment towards the end of the report which said something along the lines of, Mr. Speaker, tax evasion and avoidance rises when people are uncomfortable with the system and they find ways to try to get around it. So it helps to take a look at the system to make sure that we put as much equality and fairness in it as we can.

Now, the second thing that I would like to address, Mr. Speaker, is the fact that we are talking today about revenue that will be raised to Government. There has been a great deal of conversation about equality and raising our people up, and that is a conversation that I think we all enjoy having. But what we are actually debating here today is a Tax Reform Commission to take a look at how we enforce our taxes, if we change the structure, how we are going to change it, and the levels that we pay. So that revenue gets paid into Government. So as we talk about the revenue that gets paid into Government, I am a bit disappointed this afternoon, Mr. Speaker, that we have heard very little comment about the need to ensure that this revenue the Government receives is handled and used in an appropriate way.

One of the concerns that I hear from members of the community . . . and this is not a political comment against the Government or for the Opposition in any way. But one of the things I always hear from members of the public is, *Yeah, we don't mind paying our taxes; but let's use it in the right way.* And so if we are going to look at fairness in the taxation, raising more money for Government to go out and do the services that they would propose to do, we also need to make sure that the levels of accountability and how

the money is spent by the Government are raised because then that will bring more satisfaction to the people. And, obviously, Mr. Speaker, as I talked about avoidance and evasion before, I think it will also stimulate individuals and companies to pay their fair share of taxation.

And so with this Tax Reform Commission being formed I would also like to see a greater emphasis on proper efficiencies and greater accountability within Government to make sure that the money is used in the appropriate way.

Now the last thing I want to comment on, Mr. Speaker—

**The Speaker:** Yes, go ahead.

**Hon. Michael H. Dunkley:** —and I do not know how long this is going to take.

**The Speaker:** I thought it was going to be a short last item, but go ahead.

**Hon. Michael H. Dunkley:** I will work with you, Mr. Speaker.

**The Speaker:** Go ahead, go ahead.

**Hon. Michael H. Dunkley:** The last point that I want to make is that colleagues have concentrated to some extent on equality. And equality is critically important in Bermuda because the gaps between the haves and the have-nots, not only in Bermuda, but throughout the world, seem to be widening a bit. But what we are doing here today does not deal with that gap between the haves and the have-nots. Let us be very clear about that.

If we are going to look to make sure our system, our community, is fairer, more just, more equitable, it does not come from this Tax Reform Commission, Mr. Speaker. It comes from other areas. It comes from policies that allow, when that tide comes up, to allow people to have the opportunity to move up and to live more fulfilling lives and to be able to take care of their family, to be able to get opportunities that they previously could not get. It does not come from a Tax Reform Commission.

So let us separate those two arguments here—two valid arguments. We have had one about a Bill, we have some who have strayed off the mark (as happens quite often in these debates in the House). But when you stray off the mark and you want to talk about a piece of legislation here raising our people up and bringing more people into a position in their life where they feel good about what they do and being able to protect their families and bring their families up and have equality in justice, it does not come from a tax reform system. That is politics and politicians who are off the mark. So let us not give false hope to our people about what this is going to do.

This is going to take a look at fairness of taxation, which we support, and potentially, probably, putting more money in Government's pocket which you have to spend in the right way.

So, I look forward to the discussions around the liveable wage committee and all of those other things that we need to do to make sure that our system is fairer and we stop the widening gap between the haves and the have-nots. But this today does not do it. Thank you, Mr. Speaker.

**The Speaker:** Thank you, Honourable Member, for keeping it brief.

Any other Member?

I do not see any other Member. Premier, would you like to take the floor? Thank you.

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

Mr. Speaker, I appreciate the comments of various Members who have spoken on this legislation, which is a promise that the Progressive Labour Party made to the electorate and a promise that the Progressive Labour Party will keep to the electorate.

But it is fascinating to me, though not surprising, Mr. Speaker, that the One Bermuda Alliance still has not learned the lesson of their election defeat. Because we remember during the election campaign that the exact same speech, which I gave in March, which spoke about what we were going to do in regard to taxation, was selectively quoted. And then we heard the things—the press conferences, the mailings, the endless YouTube ads—talking about how we are going to tax Granny's apartments. And we got it again today from the Opposition Leader.

Guess what, Mr. Speaker? It did not work during the election campaign and it is not going to work now because it is very simple. And if it was not heard during what was said in the introduction, you tax people, and increase in taxation systems work better for those who can afford to pay more. Now, it could be my Granny (who is no longer with us), but other grannies who may have one or two apartments; or it could be some other people's grannies who have 100 houses. Let us be clear.

So, let us not get into this false situation of trying to, as the Honourable Member for constituency 2 said, bring up the bogeyman and try the old scare tactics, because you ran the campaign on the scare tactics in July and it did not work. The people understand that if you are going to change the dynamics in this country, you have to change everything about the dynamics in this country.

Now what is interesting is that the Honourable former Premier who just took his seat said that what we are doing does not address inequality. Fascinating! Unsurprising. And it shows the reason why he is no longer in this seat. It is because he does not recognise and understand what is plain and clear for eve-

ryone else to see: That it is fundamentally unfair that the only income in this country that is taxed is income from labour. So, if you happen to own and get income from your bank or your insurance company, your car company, your liquor company, if you happen to sell soft drinks and food and other items, chocolate bars, chicken, chips, you do not get taxed on that income.

So here is the thing, Mr. Speaker, if you only get taxed on your labour income and you do not get taxed on that other income, some of that other income from the insurance companies and otherwise was paid off the backs of discrimination and slavery. Let us keep it clear and let us keep it real. The system, as it is allowed to go on, means that those who have more will always have more. It is simple. Our system promotes the growing divide in our society. Our system is what leads us to the Two Bermudas which we have.

Our election campaign was run about fundamentally changing the society. So, when we hear these stories harking back to the past, it is something that I have said many different times, Mr. Speaker. They are the past and we are the future. This Bill is about working together to figure out how we build something that works better for Bermuda, works better for international business, works better for local business, works better to make sure that we can grow our economy and make sure that we can create jobs.

So although it seems as though there are Members on that side who wanted to litigate what should or should not be in and all the rest, the fact is that is the reason why we are appointing a commission, to give us a high-quality report so that we can actually debate what we should do going forward as a country. So I do not want us to get into the specifics. I want us to focus on the fact that our system is unfair and we can all work together to build a more fair system.

And with that, Mr. Speaker, I move that the Bill be committed.

**The Speaker:** Thank you.

Any objections to that?

No.

Deputy [Speaker].

**House in Committee at 4:31 pm**

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

## **COMMITTEE ON BILL**

### **TAX REFORM COMMISSION ACT 2017**

**The Chairman:** Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled the [Tax Reform Commission Act 2017](#). I call on the Minister in charge to proceed.

Premier Burt, you have the floor.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman. Mr. Chairman, I move clauses 1 through 4.

**The Chairman:** Carry on.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, clause 1 provides the citation for the Bill.

Clause 2 provides for the definitions of terms used inside of the Bill.

Clause 3 establishes the Commission as a body corporate to be in operation for a period of six months commencing on the date of appointment of the Commission. This clause also enables the Minister to extend the period of operation of the Commission by order subject to the negative resolution procedure.

Clause 4 provides for the composition of the Commission. The Commission will comprise seven members who shall be appointed by the Minister and who shall be persons with suitable qualifications and experience for the purposes of the Commission. This clause also enables the Minister to make provision for remuneration and allowances to be paid to members of the Commission.

**The Chairman:** Thank you, Mr. Premier.

Any further speakers?

The Chair recognises the Honourable Member from constituency 22.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Clause 4, the Premier elaborated somewhat in the whole House, but could he give a better understanding of the seven members, who they might be? Does he . . . has he got types of individuals in mind? The comment, I think, in the House was that there would be Members from this side of the House. Is he talking about MPs? And will he be consulting in terms of the bipartisan nature of the membership?

**The Chairman:** Any further speakers?

Mr. Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

In response to the Honourable Member's question, the committee will maintain seven persons. As was stated in the outset, it will represent a broad cross-section that is representative of the entire community, whether it be local business, international business, the Bermuda Bar, academia, trade unions, hoteliers. And to ensure that it will have representatives of both political parties a consultation will take place between the Opposition Leader and myself when the Bill is brought into operation.

**The Chairman:** Any further speakers?

The Chair recognises the Leader of the Opposition, Ms. Pamplin [*sic*].

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

Mr. Chairman, I wonder if the Premier could advise, because throughout the Bill it specifically indicates that the *Minister shall appoint . . . the Minister will determine . . . the Minister . . .* and the Minister being referred to, obviously, is the Finance Minister and Premier. So the question . . . just based on his response that he just gave to Honourable Member Gibbons, indicated that there would be consultation, but I cannot see that there is consultation provided for in the Bill in the selection of the committee. So I am just wondering . . . I mean, I understand and I take his word for it. But what we need to know is whether the Bill is sufficiently specific to make that commitment in terms of how the committee will be comprised.

**The Chairman:** Any further speakers?

Mr. Premier.

**Hon. E. David Burt:** Thank you, Mr. Chairman.

I believe that approximately 20,000 people on July 18<sup>th</sup> voted on the basis that we would appoint a bipartisan Tax Reform Commission. And if that assurance is not good enough for the Opposition Leader, then I am not sure what I can give her.

**The Chairman:** Thank you, Mr. Premier.

Madam?

**Hon. Patricia J. Gordon-Pamplin:** Yes, I think one of these days we are going to be not quite so churlish as that.

**The Chairman:** Honourable Member, Honourable Member, we are talking about the clauses in here.

**Hon. Patricia J. Gordon-Pamplin:** Yes, and I speaking to the response—

**The Chairman:** Let us keep those comments—so I don't hear them.

**Hon. Patricia J. Gordon-Pamplin:** I am speaking to the response that the Honourable Member . . . I apologise. I am just speaking to the response that the Honourable Member just gave.

I asked a question whether it was likely that we will see put in the Bill something which says that there will be sufficient consultation, given that he is committed to do so. This was not a criticism; it was just simply a question.

**The Chairman:** Premier, would you care to elaborate anymore?

**Hon. E. David Burt:** Mr. Chairman, the Bill is as it is written. As I have stated in this House, I will consult with the Leader of the Opposition.

And I move that clauses 1 through 4 be accepted.

**The Chairman:** Any objections to—

**Hon. Dr. E. Grant Gibbons:** Mr. Chairman.

**The Chairman:** Yes?

**Hon. Dr. E. Grant Gibbons:** I have a question.

**The Chairman:** One second. Let me recognise you.

The Honourable Grant Gibbons from constituency 22. You have the floor.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Mr. Chairman, as the Premier was speaking, I wonder whether he could give us a sense of the timeline as to when he expects the seven members to be appointed and the Commission to be up and going.

**The Chairman:** Any further speakers?

The Chair recognises Mrs. Atherden, the Shadow Finance Minister.

**Mrs. Jeanne J. Atherden:** Mr. Chairman, I am asking this question here because I am not sure whether this is the place or further down. On clause 4(4) it is indicated that “There may be paid to the Chairman and other members of the Commission such remuneration and allowances as the Minister may determine.”

That is the only place that I have seen reference to payment, but yet in the Minister’s brief he indicated that support staff would be compensated. So I just wondered if this was part and parcel of the Tax [Reform] Commission . . . the funds relating to the Tax [Reform] Commission, and it is not just the Chairman, but other staff that go along with them.

**The Chairman:** Any further speakers?

The Chair recognises the Opposition Leader.

*[Inaudible interjection]*

**The Chairman:** Pardon?

*[Inaudible interjection]*

**The Chairman:** We have not quite . . . no, we have not approved them.

**Hon. Patricia J. Gordon-Pamplin:** Okay, fine. Then I will wait.

**The Chairman:** Mr. Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, in regard to the questions which were asked regarding the timeline, the expectation is that following our regular practice, that this Bill will come into operation as being passed by the Senate on the 1<sup>st</sup> of November, and soon thereafter it is expected that I will name the commissioners for the Tax Reform Commission.

Regarding the question regarding payment, it is assumed that this will function in a similar way to which the SAGE Commission functioned. And if there needs to be payment made to not only the members of the Commission, but also their staff, they will be able to be paid as well.

**The Chairman:** Any further speakers?

There appear to be none.

Mr. Premier, do you want to move the first four clauses?

**Hon. E. David Burt:** Thank you, Mr. Chairman.

I move that clauses 1 through 4 be moved and stand part of the Bill.

**The Chairman:** Any objections?

There appear to be none.

Approved.

*[Motion carried: Clauses 1 through 4 passed.]*

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, clause 5 provides for the functions and proceedings of the—

**The Chairman:** What are you moving?

**Hon. E. David Burt:** Sorry, my apologies, Mr. Chairman. Thank you. Mr. Chairman, I move clauses 5 through 10.

**The Chairman:** Carry on.

**Hon. E. David Burt:** Thank you, Mr. Chairman.

Mr. Chairman, clause 5 provides for the functions and proceedings of the Commission. The primary function of the Commission is to examine Bermuda’s tax system for the purpose of determining any improvements that may be made to best enable a system of taxation and revenue collection that is equitable, effective, efficient, competitive, and transparent. The Schedule has effect with respect to the proceedings of the Commission.

Clause 6 provides for the programme of operations of the Commission for the purposes of its functions, which is to be provided to the Minister. The Commission is required to engage and solicit the input of a broad and diverse range of persons, associations,



and organisations, and may employ such number of persons as staff members and consultants as it may determine necessary.

Clause 7 provides for reports and recommendations to be submitted to the Minister by the Commission. The programme of operations of the Commission shall determine the number of reports and recommendations to be submitted with the final report and recommendations at the end of the operation of the Commission.

Clause 8 provides for the appointment of committees consisting of members of the Commission or other persons. This clause also provides for the delegation of powers of the Commission to the Chairman, any member of the Commission, the committees of the Commission, or any public officer or employee of the Commission. The power of the Commission to delegate its powers does not include the delegation of the power to delegate.

Clause 9 empowers the Commission to require any officer or employee of the Government or member or employee of a statutory body who is in its opinion able to provide information or assistance to provide such information or assistance.

Clause 10 requires the Commission and every person employed, appointed, or delegated to carry out the powers, functions, or duties of the Commission under the Bill to maintain confidentiality in respect of all matters that come to their knowledge in the exercise of those powers, functions, and duties of the Commission.

**The Chairman:** Any further speakers?

The Chair recognises the Shadow Minister of Finance, Mrs. Atherden.

**Mrs. Jeanne J. Atherden:** Mr. Chairman, I am looking at clause 9 and clause 10. And I guess, from my perspective, I assumed that any member who is “an officer or an employee of the Government or of a statutory body” that the responsibility to provide information and assistance is, if you will, just embodied in their employment and that is why . . . and also with respect to maintaining the confidentiality. So I am just wondering, is this not the case and, therefore, we are putting this in as something extra? And if so, why?

**The Chairman:** Any further speakers?

The Honourable Grant Gibbons, you have the floor.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Chairman.

Mr. Chairman, clause 6(1) “The Commission shall decide for the purposes of its functions on the programme of operations, which shall be provided to the Minister.”

In the House, the Minister raised, I think it was five points that he felt should be part of the Commis-

sion’s approach. I am just trying to understand the “programme of operations.” Is this a direction that the Minister is providing in terms of how the Commission should go about its job? Or is this essentially a direction in terms of what the Commission should look at? For example, consider income tax, do not consider income tax—I am just trying to get a sense of whether [clause] 6(1) is essentially a set of directions which the Minister will provide to the Commission and I guess the corollary there is whether those directions will be made public or not.

I have another question on clause 7 and it is actually 7(2). It says, “The Commission shall submit its final report and recommendations to the Minister at the end of the six-month period referred to in section 3(3) or at the end of such period as the Minister may have determined by order under section 3(4).”

So the question here is . . . and I cannot remember seeing it, will the recommendations be also made public at that time or will the recommendations be solely for the Minister?

**The Chairman:** Any further speakers?

Mr. Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, regarding the question from, I believe, the Opposition Leader, regarding clause 10, confidentiality (or maybe it was from the Shadow Minister of Finance), these are standard clauses which are inserted into these items. Clearly, there may be confidential matters which will come to the Tax Reform Commission and we want to make sure those items are kept confidential, so it is important. There are some powers to request information and the information requested we certainly do not want that information to be shared. So, the reason why that clause is in there is that it is a rather standard clause similar to the clauses which were used for the SAGE Commission.

In response to the questions from the Honourable Member from constituency 22, the former Minister for Economic Development, what I would say on both questions—[clause] 6(1) regarding whether or not items will be made public and [clause] 7(2) whether or not items will be made public—the answer is yes. And, as this Government has done, we are happy to operate in the sunshine of public scrutiny.

What I would say in regard to the final question about directions is we are not going to put limits on the Tax Reform Commission. We are going to allow them to have a broad scope insofar as their deliberations. So I am not aiming in any way, shape, or form to give them directions. They are the professionals. We will get the best results if we do not put restrictions, such as we have done with CARTAC, but we give them a broad brush.

**The Chairman:** Thank you.

Any further speakers? There appear to be none. Mr. Premier, do you want to move those clauses?

**Hon. E. David Burt:** Thank you very much, Mr. Chairman. Mr. Chairman, I move that clauses 5 through 10 stand part of the Bill.

**The Chairman:** The Premier has moved clauses 5 through 10.

Are there any objections?

There appear to be none.

Motion approved.

*[Motion carried: Clauses 5 through 10 passed.]*

**The Chairman:** Carry on, Mr. Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman. Mr. Chairman, I move clauses 11 through 16.

**The Chairman:** Carry on.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, clause 11 provides for the funds of the Commission. The funds of the Commission are to consist of sums appropriated by the Legislature for the purposes of the Commission and all monies including grants, subsidies, and contributions paid to or received by the Commission.

Clause 12 requires that at the end of the period of operation of the Commission surplus funds that have not been used for the purposes of the Commission be paid into the Consolidated Fund and any donations returned to the respective donors.

Clause 13 provides for the accounts of the Commission and requires that the Commission maintain proper statements of its financial affairs and that it should prepare in respect of its period of operation a statement of its accounts in such form as required by applicable accounting standards.

Clause 14 provides for immunity from suit for any officer, employee, or agent of the Commission, any member of the Commission or any person acting on behalf of the Commission in respect of any act done bona fide in pursuance or execution or intended execution of his functions under this Bill.

Clause 15 provides for offences under the Bill.

Clause 16 provides, with respect to the application of other laws, that where there is a conflict between the provisions of this Act and any other enactment, regarding the disclosure of information to or from the Commission, this Act shall prevail. This clause also provides that the provisions of the Public Access to Information Act 2010 do not apply to the

Commission.

**The Chairman:** Any further speakers?

The Chair recognises the Honourable Mrs. Atherden. Continue.

**Mrs. Jeanne J. Atherden:** Mr. Chairman, if the Finance Minister can clarify, and maybe in clause 11 it says “all grants, subsidies, and contributions paid to the Commission or received from any source, and funds raised by all lawful means.”

I must admit I understand the first part in terms of monies appropriated from the Legislature because that is fair enough, we are setting up a Commission. I was just curious as to what type of things the Finance Minister might contemplate . . . one thought was that there might have been . . . I know like in Health, that there might have been PAHO or WHO or somebody that would turn around and might give us a grant towards doing something. So I am just wondering if the Finance Minister is contemplating that there might be some entities out there that might support tax reform and, therefore, that might make some contributions to this Commission, which then would help us turn around and make it more economically viable.

**The Chairman:** The Chair recognises the Deputy Leader, Ms. Pamplin *[sic]*.

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

Mr. Chairman, just on clause—

**The Chairman:** Opposition Leader, I am sorry.

**Hon. Patricia J. Gordon-Pamplin:** I do not know what you said . . . Deputy Premier? What did you call me.

**The Chairman:** I probably—

**Hon. Patricia J. Gordon-Pamplin:** I did not hear what you said, never mind. Freudian slip, I understand; I accept that.

Clause 12 concerning surplus funds indicates that “At the end of the period of operation of the Commission, any surplus funds not utilised for the purposes of the Commission” will be (a) returned to the Consolidated Fund (that I understand) or (b) returned to the respective donor.

The question is, Is there any indication in terms of the hierarchy of the return of those funds? So, when funds are being expended, are we assuming that money that is being donated from external sources—not out of the Consolidated Fund—are going to be earmarked for a specific thing? And hence, if that specific thing is not done, then that money will be returned to the donor? Or are all the monies for the

operation of the Commission going to be co-mingled, both that which comes from the Consolidated Fund and that which comes from outside? If it is co-mingled and there is excess at the end, how is the determination to be made in terms of what percentage goes back to the Consolidated Fund and what percentage goes back to the donors? Thanks.

**The Chairman:** Any further speakers?  
Mr. Premier.

**Hon. E. David Burt:** Thank you very much, Mr. Chairman.

Mr. Chairman, in response to the question from the Shadow Minister of Finance, whether or not it is likely that we will receive donations from overseas entities, it is highly unlikely. And the Government is not pursuing that path. What we will do, of course, is that it is expected that the Chairman of the Commission will seek to raise funds from members of the local and international business sector and possibly from other persons who are looking to participate inside of this effort. So from that perspective, but from an international organisation basis, no, this is more looking local. International organisations will likely say that we are too wealthy and they do not need to give us money, which is what we face all the time.

Regarding item 12 regarding surplus funds, and the question from the Opposition Leader, the answer would be it would be either/or. I am not going to prejudge as to what role the Chairman may take in this Commission, whether or not he will seek to raise funds for specific purposes, as you had stated, or whether or not the funds are co-mingled. What I would state is that if they were raised for a specific purpose, I do not believe that this would probably be proper. I would assume that the funds would be co-mingled and I would assume that at the end of the event—at the end—if there are any funds that are left over, it will be given back to the proportion in which the funds were raised.

**The Chairman:** Any further speakers?  
Mr. Premier, do you want to move the clauses 11 through 16?

**Hon. E. David Burt:** Thank you, yes, Mr. Chairman.  
Mr. Chairman, I move that clauses 11 through 16 be moved and stand part of the Bill.

**The Chairman:** Do you want to move the Schedule too?

**Hon. E. David Burt:** Yes, Mr. Chairman.  
I move—

**The Chairman:** And the Preamble?

**Hon. E. David Burt:** —the Schedules.

**The Chairman:** Any objections to the approval of [clauses] 11 through 16?  
There appear to be none.

*[Motion carried: Clauses 11 through 16 passed.]*

**The Chairman:** It has been moved that the Bill be reported to the House as printed.  
Is there any objection to that?

**Hon. E. David Burt:** I did not go that far yet, sir.  
Mr. Chairman, I move that the Schedule *[sic]* be approved.

*[Crosstalk]*

**The Chairman:** My apologies.  
Any objection to the Schedule being approved?  
There appear to be none.

*[Motion carried: The Schedule passed.]*

*[Inaudible interjection]*

**Hon. E. David Burt:** There is only one Schedule, yes. My apologies. I moved that the Schedule be approved; it is approved.  
I move that the Preamble be approved.

**The Chairman:** Any objections to the Preamble being approved?

**Hon. E. David Burt:** Thank you, Mr. Chairman.  
Mr. Chairman, I move that the Bill be reported to the House as printed.

**The Chairman:** The Bill will be reported to the House.

*[Motion carried: The Tax Reform Commission Act 2017 was considered by a Committee of the whole House and passed without amendments.]*

**House resumed at 4:52 pm**

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

## **REPORT OF COMMITTEE**

### **TAX REFORM COMMISSION ACT 2017**

**The Speaker:** Members, any objection to the Bill being reported to the House as printed?

No objections. That concludes that matter on the Bill for the Tax Reform Commission.

We will now move on to the last item on the Order Paper today, which is the Bermuda Immigration and Protection Amendment (No. 2) Act 2017 in the name of the Honourable Minister for Home Affairs.

Minister Brown, you have the floor.

## BILL

### SECOND READING

#### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017

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

Mr. Speaker, I move that the Bill entitled the Bermuda Immigration and Protection Amendment (No. 2) Act 2017 be now read a second time.

**The Speaker:** Go ahead, Minister.

**Hon. Walton Brown:** Mr. Speaker, this Bill seeks to amend the Bermuda Immigration and Protection Act 1956, hereafter called the principal Act, and to make consequential amendments to Schedule 2 of the Human Rights Act 1981.

Mr. Speaker, let me [preface] my remarks by identifying the political context in which this Bill will be debated. This Bill is being debated, Mr. Speaker, against a backdrop of a Supreme Court decision which gave the complainant (who was born in Bermuda, who was not Bermudian) the right to work in Bermuda without work permit control.

By that decision, Mr. Speaker, the courts have provided for a process by which hundreds, if not thousands, of persons who secured BOTC status before 1983 will be allowed to either work in Bermuda (if they are already here) without work permit control; or return to Bermuda without work permit control and work and live. That is the political context in which this particular legislation will be debated, Mr. Speaker.

This Bill seeks to restore the primacy that the Bermuda Immigration and Protection Act 1956 enjoyed—the primacy that it once enjoyed—and was meant to continue to enjoy in relation to all other statutes, notwithstanding the Human Rights Act 1981.

To elaborate further, Mr. Speaker, there was already a primacy provision in this Act in the form of section 8, but the courts decided that the primacy provision of the Human Rights Act 1981, because it was set later in time, should prevail over the Bermuda Immigration and Protection Act in the absence of express words to the contrary in the principal Act.

In other words, Mr. Speaker, the courts ruled that because the Human Rights Act came at a later date, and even though both Acts had the word “primacy” in their legislation, it ruled that in the absence of any express words to the contrary the Human Rights Act would have primacy over the Bermuda Immigration and Protection Act.

In essence, Mr. Speaker, this Bill today seeks to exempt the Bermuda Immigration and Protection Act 1956 from the primacy of the Human Rights Act by amending section 8 of the principal Act.

Mr. Speaker, it should be abundantly clear to all that it is the role of the Government to protect its nationals. And this was reflected, Mr. Speaker, in this Government's election platform. We promised the electorate, a promise to Bermudians, that we would ensure that Bermudians will come first, employer abuse is minimised, and that land in Bermuda is protected for Bermudians.

This Bill is intended to plug the gaps which are underscored in statistics published by the Department of Statistics prior to July 2017.

Mr. Speaker, in a country with limited resources, currently only two main pillars of the economy—or one pillar and a half pillar—22 square miles, a population of 65,000; the promotion and protection of Bermudians in the workforce and the protection of land for Bermudians is perfectly justifiable and absolutely necessary.

Mr. Speaker, one of the reasons for this amendment is that Bermudians continue to be the most economically disadvantaged in this country—by unemployment, annual pay and total jobs filled. This is reflected in the 2015 Labour Force Survey. It is also reflected in a 2017 Employment Brief. The Labour Force Survey indicates that there were notable job gains by non-Bermudians in 2015. Non-Bermudian workers posted an increase of 5 per cent, or 377 positions, for that year. In contrast there was a 2 per cent decline in the number of Bermudian workers, with 413 jobs lost in 2015.

The survey also highlights that between 2014 and 2015 non-Bermudian workers reported a 10 per cent increase in median annual pay, with \$80,322 compared to \$73,300 in 2014. For Bermudian workers the median annual pay gap only grew by 4 per cent to \$60,250. The difference in median annual pay between non-Bermudians and Bermudians is quite telling. And while both classes of workers saw increases in annual pay, the increases for Bermudian workers did not increase by half of the increase realised for non-Bermudian workers.

According to the 2017 Employment Brief, there was also a disparity between total jobs filled by non-Bermudians and Bermudians. This report states that total jobs filled rose from 30,319 to 33,481. However, while total jobs filled by non-Bermudians rose by 3.8 per cent, the jobs filled by Bermudians fell by 0.4 per cent. And, of course, the pay packages for non-Bermudian workers tend to be higher than those of local workers. And this disparity will take into account what we see as justifiably higher salaries for CEOs and other persons in those industries who come into our economy.

Now, Members may ask why these statistics are germane to this amendment Bill. Recently, as I spoke earlier, a judgment was delivered in favour of a non-Bermudian who was born in Bermuda to non-Bermudian parents who, together with her husband (a work permit holder), had filed a writ in the Supreme

Court. The complainants asked the court to consider whether the Minister's refusal to allow one of the applicants to work without restriction was in breach of the Human Rights Act 1981. The Court found that the Minister's (and this would have been the Minister prior to myself) refusal to allow the complainant's application to work in Bermuda without restriction was discriminatory.

Let me just repeat that, Mr. Speaker. The Court ruled that a non-Bermudian, born of parents who are not Bermudian, was being discriminated against in her claim that she did not need a work permit to work in Bermuda. The Court ruled that it was discriminatory and contrary to section 5(1) of the Human Rights Act 1981. Needless to say, Mr. Speaker, this Government is appealing that ruling. However, if the Court's ruling prevails, then there are hundreds, if not thousands, of persons in this category who are not Bermudian, nor eligible for Bermuda status, who could work without the Minister's permission. This would not only apply to persons living in Bermuda, but to any person living overseas who fits into this category and who may wish to return to Bermuda. These persons, no matter their qualifications, will compete with Bermudians for jobs.

But, Mr. Speaker, in order to address the gaps that disadvantage our nationals, the Government cannot entertain claims of non-Bermudians who now feel they are being discriminated against contrary to section 5(1) of the Human Rights Act and who feel they are entitled to the same rights as Bermudians.

Mr. Speaker, in no other country in the world do non-citizens have a right to obtain the same rights as citizens of a country. I must state, and this is despite the hysteria, this is despite the organised and contrived propaganda, Mr. Speaker, but this Government is an advocate of the Human Rights Act 1981 and the Human Rights Commission. This Government gave the Human Rights Commission greater powers than it had previously been given.

**Hon. Trevor G. Moniz:** Point of order, Mr. Speaker.

**The Speaker:** Minister, take your seat for a moment. Point of order, Honourable Member Moniz?

#### POINT OF ORDER

*[Misleading]*

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

The Honourable Member is misleading the House. He just made a statement that in no other country in the world do non-citizens have these rights. But under [Article] 8 of the European Convention people do have that right. They do have—

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** In the United Kingdom. They do have that right. If you were born in the United Kingdom and raised in the United Kingdom, you have the right . . . you are settled and you have a path to citizenship.

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

**Hon. Walton Brown:** So, Mr. Speaker, since the Honourable Member is prepared to quote from the European Convention on Human Rights, he might want to quote it fully and not selectively. Because that very Convention specifies that there are special considerations for small countries. There are special considerations for countries with a vulnerable population—

*[Inaudible interjections]*

**Hon. Walton Brown:** —first of all, first of all—

*[Inaudible interjections]*

**The Speaker:** Ah, ah, Members, Members.

**Hon. Walton Brown:** First of all, Mr. Speaker, that is the first point. The second point is that even in our mother country—well, it is not my mother country, but for everybody else I guess—

**The Speaker:** Well, I was waiting for clarification on it, but go ahead, Minister.

**Hon. Walton Brown:** I will clarify. For those who look at the UK as their mother country, they have a policy which says they do not treat them the same. That is precisely why there is this acrimonious debate about Brexit. So if the Honourable Member does not understand what is going on with Brexit, we can sit down and have a chat. I would say over a glass of wine, but then my honourable colleague might think that is going to contribute to our sugar consumption.

The fact of the matter is that Britain is trying to decide what precisely the rights are that it is going to give to the hundreds of thousands of EU nationals who are living in the UK today.

*[Desk thumping]*

**Hon. Walton Brown:** So we should not be here spreading propaganda, Mr. Speaker. We need to have . . . yes, passionate debate. But let us have that debate based on fact.

**Hon. Trevor G. Moniz:** Yes, please.

**Hon. Walton Brown:** You do not have a licence to engage in disinformation.

**Hon. Trevor G. Moniz:** Yes, please.

**The Speaker:** Okay, Members, let the Minister speak.

**Hon. Walton Brown:** Mr. Speaker, the Human Rights Commission are stewards of the protection of people's rights and they work very hard to stamp out discrimination. The HRC is limited in their mandate because they are not empowered, as yet, to address issues of institutional discrimination. So I wonder if all the advocates of human rights want to talk about the institutionalised practices that lead to discrimination, because that is something that we need to look at. And I am hoping that this Government will take it on as well. But we will consult with the Human Rights Commission to ensure that the rights of all of our residents are protected.

We should be very clear about this, Mr. Speaker. We will guarantee that Bermudians come first in their country. We make no apology for that. But equally so, Mr. Speaker, we will guarantee that the rights of anyone visiting our shores, anyone who is here on a work permit, is guaranteed protection on the fundamental rights under the law—the fundamental rights. We are signatories to the European Convention on Human Rights that has been extended to us. We honour our Constitution, which contains the fundamental rights within our Constitution. Every single person in this country is protected by our Constitution.

For those who want to engage in a fanciful exercise about what we do not do or what we are not believing in, leave that for the anonymous diatribes on social media. I do not entertain . . . I do not even read it. I have a sister who likes to read all that stuff and she tries to tell me what is going on and I am not interested. If you do not have the courage to stand by your position, I am not interested. I can have a robust debate . . . the Honourable Opposition Leader, we have robust debates. She tells me what she thinks and we have our discussion. But at least she identifies . . . I know who she is, and we can have that conversation. The cowards I am not interested in.

Mr. Speaker—

**The Speaker:** Yes.

**Hon. Walton Brown:** —as much as we will consult with the Human Rights Commission to ensure that the rights of all of our residents are protected, it is equally the Government's mandate to ensure that, as the stewards of Bermuda's Immigration and Protection Act, that Bermudians must always come first. We do not have situations where people who are not citizens vote in a country.

Mr. Speaker, those are my formal remarks that have been ably prepared by my technical people.

**The Speaker:** Nice and brief, I appreciate that.

**Hon. Walton Brown:** It is very brief.

But you know, Mr. Speaker, I am not one who enjoys just reading technical briefs. So I would like to make a few other comments as well.

*[Laughter and inaudible interjections]*

**Hon. Walton Brown:** I am on script; this is my script.

**The Speaker:** You said they were just as brief, right?

**Hon. Walton Brown:** Excuse me?

**The Speaker:** You said they were just as brief as the formal ones.

**Hon. Walton Brown:** They are just as brief.

**The Speaker:** Go ahead.

**Hon. Walton Brown:** But, Mr. Speaker, there are three points that I want to refer to on this matter.

The first relates to this notion about human rights. As someone who has been an advocate for human rights for more than 30 years, I continue to do so. I will not be a part of a Government that does not protect the basic rights of people. I do not need to present my curriculum vitae to this Parliament or to the public, because my activity as a human rights activist is a matter of public record.

But, Mr. Speaker, there was a level of concern expressed about the nature and level of consultation with the Human Rights Commission and, I should also add, the Centre for Justice. I want to recognise the member in the Gallery, Ms. Venous Memari, who is, I believe, the managing director of the Centre for Justice. We have met with the Centre for Justice as well as the Human Rights Commission because my Ministry and my Government is passionately concerned about human rights. It is true they do not have an extensive period of time to engage in a consultative process because we also were up against a timeline involving a legal appeal. So everything needs to be contextualised.

But I have given an undertaking, which has been accepted by the Human Rights Commission and the Centre for Justice, that they will have an opportunity in a timeframe that they determine, not us, to carefully assess the full impact of this amendment. And as Minister I am prepared to entertain and reflect carefully on any recommendations that they make with regard to ensuring that the human rights of individuals are adequately and properly protected with this amendment, within the context of the need to have primacy of the Immigration and Protection Act.

I want to make that clear. I have been informed of a whole series of just bizarre scenarios that people are postulating about what could possibly happen. Well, you know, for those who believe, every-

thing is possible. So you can speculate all you want. What you have to determine is what is a likely outcome, what is a likely decision of a Government? That is a more appropriate way to analyse the potential implications of a piece of legislation.

Yes, we adhere to our international obligations. I have heard much talk about the impact of the European Convention on Human Rights. And just for the sake of clarity, when Britain leaves the European Union and Brexit becomes a reality, the European Convention on Human Rights will still apply to Bermuda because it predates the European Union. I believe the European Convention was created in 1957, so it was applied to us a long time ago. We have never diverged; we have never acted outside of that Convention. So for those who wish to postulate all kinds of scenarios, you have a duty to be responsible. You do not have a need to be hyperbolic in that which you present for the sake of political support and/or reward.

Mr. Speaker, let me talk a little bit more about the legal nuances that have gotten us into this position where we are today. It might be a little bit technical, but it relates to the fundamental reason why we are passing this amendment today. And it will pass, Mr. Speaker, because the majority of the people of this Parliament understand the political necessity for it.

*[Inaudible interjection]*

**Hon. Walton Brown:** That might be true too.

But Mr. Speaker—

**The Speaker:** Continue.

**Hon. Walton Brown:** There was a Supreme Court decision, I believe it was last year, in which the courts ruled that what government provides is a service and not a function. That was a, shall we say, unusual interpretation that is inconsistent with how courts in many other jurisdictions have interpreted a government's role. If only the government can do something, is it truly a service? No. The more orthodox approach is that it is a function.

The former Government, when beset with that decision, had an opportunity to bring clarity to the matter by launching an appeal. The OBA Government refused to appeal and allowed a legal ruling to stand which now classified virtually the majority of decisions by a government as that involving the provision of a service. It is because of that, and because of that alone, that the courts could now look at the carrying on of government duties as a service and assess it in the context of the Human Rights Act. Because all the Human Rights Act covers . . . not all, but what it does cover is discrimination on the basis of employment, housing, and delivery of service.

So now we have this conundrum, perhaps, unintended consequence, from the former Government's side. I do not know. I cannot speak for the for-

mer Government. But it is a matter that should have been appealed to bring clarity. So we are now beset with this and we will address it by making this amendment, because what Government does in most of its activities is a government function. Is the provision of a passport a service or a function? If it is a service, then we cannot discriminate against anybody in the provision of a passport. So that is a fundamental reason why we are here today.

And the final point I want to make, Mr. Speaker, relates to the issue of the consultative immigration reform process, because I have heard comments from the Opposition side that *this does not represent consultation, and what a bad way to start off the whole process*. Let me be absolutely clear. Let us be absolutely clear. This amendment repositions the Immigration and Protection Act. It puts it back to the position of primacy that it enjoyed until a recent court decision. It puts it back. We do not fundamentally alter the Immigration and Protection Act 1956.

We are committed to a consultative reform process. And for the sake of edification, yet again, Mr. Speaker, let me relay the process. I have no doubt that there will be a series of comments coming which decry the absence of consultation and a less than honest approach to the reform process.

We are here today, Mr. Speaker, precisely because the former Government refused to engage in consultation. The former Government rejected it. I personally spent hours talking to Members of the OBA about how to find a way to reduce the tension and to engage in a collaborative process [and] it was rejected. And so we are fundamentally committed—

*[Inaudible interjection]*

**The Speaker:** Hold your comments until you are on your feet.

**Hon. Walton Brown:** Mr. Speaker—

*[Inaudible interjection]*

**The Speaker:** Member.

**Hon. Walton Brown:** Okay. All right. So I am going to take the bait.

*[Laughter]*

**Hon. Walton Brown:** So I will just digress . . . I will digress for one minute. The Honourable Member who sits over there with that look on his face, he knows very well, he was the one who was intransigent —

*[Inaudible interjections and crosstalk]*

**The Speaker:** Members, Members!

**Hon. Walton Brown:** —he was the one who was intransigent on this very matter. We engaged in the historic shut down of this Parliament precisely because—

*[Inaudible interjection]*

**The Speaker:** Deputy—

**Hon. Walton Brown:** —the Government refused to come down . . . It was only when Parliament was shut down; Government was beset with a crisis of confidence, a crisis of its ability to run the country that we engaged in the process involving consultation that we had politely asked for, for three years.

*[Inaudible interjection]*

**Hon. Walton Brown:** Right. So, Mr. Speaker—

**The Speaker:** Continue on.

**Hon. Walton Brown:** The Immigration Working Group was set up, I believe it was in March or April of 2016. And, yes, I was a member of that group. We received a mandate from the community activists and the Government to look at a series of changes to the Immigration and Protection Act involving adoption, mixed status families, PRCs, and Bermuda status. That was not comprehensive immigration reform. We accepted it because it helped to prevent that awful piece of legislation called Pathways to Status from being put forward, which had no consultation in it with key stakeholders—none. We accepted it; but we knew it was only partial immigration reform and we managed to make one change to provide for the adopted children of Bermudians to be automatically granted Bermuda status on adoption, as if they were born Bermudian, which is a very good step—[it was] easy, low-hanging fruit.

When we became Government on July 18<sup>th</sup>, shortly thereafter, the mandate for that group was changed. They were given the responsibility to identify the principles by which decisions should be made on PRC and Bermuda status and mixed families—the principles. Because I know, my colleagues know, that there is a much broader set of immigration reforms that need to take place. So we will get those principles October 31<sup>st</sup>.

The Committee is run very capably by Mr. William Madeiros, and I have no doubt he will meet the timeframe to have those principles in place. And then we will have a bipartisan committee that will look at those principles and then every other issue related to immigration reform. That is where consultation will take place. I have invited and I have received the acceptance of Members from the OBA to sit on that panel. I extended an invitation to the Human Rights Commission, who are now going to sit on that panel. And we will invite other people from the community to

partake in those deliberations because it will be a comprehensive approach.

Now, to do it properly I was advised by my technical people that it will take a year to have the reforms in place. But I understand the political sensitivity and know that to wait a year, or maybe more than a year, is perhaps not appropriate because there are some plights that people are engaged in that need to be resolved. There are some harrowing stories of people who are marginalised, who are in limbo, and we will address it because we will adopt a humanitarian approach. But it will be comprehensive.

So what we will do in the first instance is decide on PRCs and Bermuda status—that will be the first tranche—ideally maybe by February or March of next year. And then the other related reforms will come later, simply because we think it is best not to wait an entire year to resolve some of the issues that need to be resolved. But it is fundamentally rooted in consultation.

We are going to consult on the work permit policy. The previous Government had three people who wrote the work permit policy, three private sector people, three business people, wrote the work permit policy. There was no consultation. Oh yes, yes, I am sorry, let me retract a little bit. The Government will say that they sent it out to other stakeholders in a pro forma sort of way to say there was consultation. But there was no consultation. Three individuals wrote the work permit policy. We will consult.

There are some key issues that need to be resolved in the whole immigration legislation, which were not even on the previous Government's radar. What does it mean to be ordinarily resident? That is a very amorphous term. We are going to clarify the issues that relate to "ordinarily resident." That is a precursor to people's entitlements to rights.

So, Mr. Speaker, let me wrap up this part of my presentation by saying [that] this amendment does not represent a step toward immigration reform. It helps to keep us at the status quo. It is the Government's role to pass law. It is this Legislature's role to pass law. It is not for the courts to pass law. Right? We have a three-tier system—the Executive, the Legislature, and the Judiciary—they work in tandem. Each has a distinct role. The role of the courts is to interpret the law. Who would allow for the courts to determine what the law of the land should be? Only a weak Government would do that. Only a weak Government would do that. We are not weak.

We are passing this piece of legislation to hold in abeyance the judge's decision to ensure that the status quo, with regard to the Immigration and Protection Act, remains as it is until such time as we can have that proper consultation and refine it.

Now, I forgot one point. There is a lot of talk about human rights. Human rights are fundamental; everyone is entitled to human rights. But it is very important to know the distinction between what is a hu-



man right and what is a privilege. And sometimes when you are entitled . . . when you have a sense of entitlement and are used to privilege, that gets translated in your mind into a right. We do not buy into that. Basic rights are core rights protected under our Constitution and protected by the Human Rights Act. We will continue to abide by that.

And all those who believe in the exhortation of human rights, let us be consistent. If you are a human rights activist, you should be consistent in your advocacy of human rights, not just on one aspect. What about the issues of gender discrimination, racial discrimination? Same-sex discrimination? Disability? Let us be consistent. When you select out what you think is a human right and that is all you care about, well you are going to lose credibility because you are not consistent. So with this feigned interest in human rights, without a track record of demonstrated commitment to human rights, I am not convinced.

So, Mr. Speaker, let us have this debate, let us try to move away from diatribe. Let us have a fact-based discussion. Let us forget all the unwarranted, unsubstantiated rhetoric or the most bizarre scenarios, the what-ifs.

I was talking to a reporter today who provided that he was trying to pummel me with these what-ifs. I said, Mr.—and I cannot give his name, I will not give his name today—but I said, *So what do you mean what-if?* Anything is possible, but what is likely and what is practical? A Government that attempts to engage in a fundamental infringement of people's rights will be called out—locally and internationally. This Government and previous PLP Governments have been the defenders of the rights of people. And when it comes to people who are not Bermudian, who on earth created the PRC status?

*[Inaudible interjections]*

**Hon. Walton Brown:** Let us go back a little bit in time, Mr. Speaker.

**The Speaker:** Minister, speak to the Speaker, this may help you out.

**Hon. Walton Brown:** I am speaking directly to the Speaker, but sometimes my eyes just wander.

**The Speaker:** Come this way, I will give you a little hand there. Come this way.

**Hon. Walton Brown:** Right.

You know, if you want to go back a little bit in history, we had an immigration policy that was fundamentally racialised—fundamentally. I remember telling the story of one of my good friends whose mother was granted Bermuda status and did not even apply for it. And when she said—it may or may not be material—that she was an English woman (you can figure that

one out), and she said, *Why would you give me status? I didn't apply for it. I am happy to be married to my husband and I don't need status.* She was told by the then-Minister responsible for Home Affairs that we need your support.

*[Inaudible interjections]*

**Hon. Walton Brown:** The funny part is that she never voted. She has passed away now, but she never voted. But there was a racialised immigration policy. To his credit, former Minister Fahy recognised that. He recognised that the 1960s was a period of dastardly deeds and racialised immigration policies, but then he seemed completely immune to what he was trying to do in 2016.

So you cannot take the past and act as if it did not shape the present. The former . . . the predecessors of the OBA—sorry, my apologies to my colleague—the UBP had to abandon the discretionary grant of Bermuda status in 1989 because it was becoming increasingly controversial and political. People were getting status because they met certain criteria. Race was a key factor. If you go back and look at all the old files and look at all the comments that were made, race was a fundamental factor, so it was stopped in 1989.

But then you had people who were here from 1989 who had—because of the racialised immigration policy—the reasonable expectation that they would be guaranteed some kind of security in Bermuda. From 1989 to 2000 nothing was done. It was a PLP Government, Mr. Speaker, that in a humanitarian gesture—they did not have to do it, in a humanitarian gesture—extended permanent residency to every single person who was in Bermuda at the cut-off point when the discretionary grant of Bermuda status was no longer provided for.

Our track record is consistent on the question of human rights. Now, some of my Members are a little bit retrograde on one aspect of human rights and we will deal with that in due course, Mr. Speaker.

*[Inaudible interjections]*

**Hon. Walton Brown:** We will take care of that in due course. I have not commented. I do not know why I should feel guilty about something; I have not said anything.

All I am saying, Mr. Speaker, is that fundamentally we are focused on defending and protecting the human rights of individuals in this country. We will continue to do so. This Act holds in abeyance any reform or any change in the current Immigration Act until such time as the collaborative process can be conducted, carried out, and new legislative measures are brought before this Parliament for debate and for adoption, Mr. Speaker.

So I look forward to a debate that is robust, one which is based on fact, and hopefully we can come to an understanding that there is nothing to apologise for when you say Bermudians should come first in their own country. Thank you, Mr. Speaker.

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

## ANNOUNCEMENT BY THE SPEAKER

### HOUSE VISITORS

**The Speaker:** Before I recognise the next speaker, I would just like to acknowledge that sitting in the wing here in the Gallery we have the former Premier, Dame Jennifer [Smith]; and former Member of Parliament, Walter Lister; and I believe in the Gallery we have former Senator Peniston.

*[Bermuda Immigration and Protection Amendment (No.2) Act 2017, second reading debate, continuing.]*

**The Speaker:** The next Member I will recognise is the Honourable Member Moniz. Honourable Member Moniz, you have the floor.

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

That Member deserves one of those little golden statuettes. That was quite a performance of self-righteousness.

**The Speaker:** Now, Member, Member, let us keep the tone . . . let us keep the tone where it needs to be, please.

**Hon. Trevor G. Moniz:** He said he did not want to hear any diatribes, but I will try not to copy his example.

Just for one of the factual matters, he made a number of factual errors. You know he spoke about no country in the world granting citizenship on the grounds of connection and status, and that was completely wrong. Under the European Convention all the countries that have signed up to the European Convention give a right to privacy and to family life. And if you have a certain connection with a country, then you do gain rights and a path to citizenship. And that is throughout, certainly, throughout the European community, so it is about 30 countries right there. So it is quite a standard practice. These are not people . . . You know, he keeps making the mistake of referring to *we have to keep control of our borders and who we let in*. But you know we are talking about people who were born here.

**Hon. Walton Brown:** Point of order.

**Hon. Trevor G. Moniz:** We are not talking about people who are strangers to us.

**The Speaker:** Will you yield a minute on a point of order from the Minister?  
Minister.

### POINT OF ORDER

*[Misleading]*

**Hon. Walton Brown:** The Honourable Member is misleading the House. I did make a single comment about controlling our borders and being careful about who we let in. I was very clear, and the Member needs to understand that. It is a question about what rights and privileges you give to people who are here.

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

**Hon. Trevor G. Moniz:** You had better listen to the Hansard, just check the Hansard, Mr. Speaker.

**The Speaker:** Just continue on and keep the tone correct.

**Hon. Trevor G. Moniz:** The fact of the matter is that it was this Member who, for the longest time, said there should be no changes—no changes—to the Immigration Act without broad consultation. And he admitted, after he initially denied, but then he admitted that, yes, he was part of the Immigration Working Group for a year and a half. So there was consultation. Whatever kerfuffle there was at the beginning, he was a central part of that consultation. That Group was supposed to produce some results in short order. It did not produce very much. Now, they are going to report, I think he said, within a week, two weeks?

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** First of November.

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** Thirty-first of October.

So we are dealing with this piece of legislation today. Now, the people we are dealing with in this legislation, by and large people who registered for British Overseas Territory Citizenship, are those people who were born in Bermuda and spent the first 10 years of their lives here. Now, one of the things that the committee was meant to deal with is people, children who were born here or came here when they were young, and they were supposed to be making recommendations on that very group.

Now, the Honourable Minister is saying he cannot wait from today until the 31<sup>st</sup> of October. I think it is the 20<sup>th</sup> today. So he cannot wait 11 days; it is too important, we have to rush this piece of legislation through without waiting to see what that Group, which he was on (I think he stepped off now, but the Group

which he was on) are recommending. I do not know what the unseemly haste is all about. I understand the position with the Tavares judgment, but the decision of the Tavares judgment has been made, and it is not a question about the law changing. There was a judge's ruling that defined what the rights are that go with those conditions that people have, if they are registered as a British Overseas Territory citizen, et cetera.

Now, it is that Honourable Member, that Minister, who brings all sorts of racial connotations in it and beats his breast and says he is a great champion of human rights and it is all about race and who is unemployed and who is not unemployed. But it is really just a straightforward matter of his own Statement that he said that no changes should be made to the Immigration Act without broad consultation.

Now, he came to the House on the 6<sup>th</sup> of October and he said to the House, "This Bill represents another phase in our next wave raft of immigration changes." That is what he said. He said it is part of that broad review; but there has been no consultation on it. So he has broken his own promise to this House and the people of Bermuda because he will not wait 11 days.

**Hon. Walton Brown:** Point of order.

**The Speaker:** Point of order, Minister?

#### POINT OF ORDER

**Hon. Walton Brown:** The Honourable Member is incorrect when he says there was no consultation.

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

**Hon. Trevor G. Moniz:** Well, yes, I think . . . you know, at the beginning . . . this is what I . . . the Honourable Member did not speak to it too much, but, apparently, there was original, and he said *broad consultation*, is what he has insisted, across Bermuda. But originally, apparently with this Bill, the Human Rights Commission were given an idea of what he might be doing. They told him they disapproved, and he said, *Well, I'm going ahead anyway*. They had not seen the Bill at that point.

Latterly we understand there has been some meeting and there was a statement that was issued. The statement itself to most Bermudians did not make any sense because he said, *Well, you can make representations; but I'm going ahead anyway*. Now, I am not quite sure. On the floor of the House he seems to be saying that he views this as some sort of emergency measure, and then he will consider changing it. But the difficulty with that is that this is such a broad and sweeping change.

Again, in a Statement that he made on the 6<sup>th</sup> of October, he said that ". . . the Bill seeks to exempt the Bermuda Immigration and Protection Act 1956 from the primacy of the Human Rights Act 1981." That is a broad and that is a sweeping statement. The Human Rights Act 1981 will not apply in any way, shape or form to the Immigration Act. That is pretty clear. Anyone can understand that.

He then went on to say that any decisions made under the Immigration Act will adhere to the Articles of the European Convention. But the Articles of the European Convention are enshrined in Bermuda law in the Human Rights Act, and he is specifically saying we are not going to be bound by that. So he is saying one thing and doing another, and it is pretty plain here. And I think that the Government, to give some sort of vague, reasonable excuse for it, you could say they are panicking over the Tavares decision.

Now, the Honourable Minister has been known in the past to exaggerate somewhat. You know going back to the 20B(2)(b) decisions for people who were getting status under the Immigration Act, at that time people in the PLP—now the Government—were saying . . . some were saying, *Oh, there could be 8,000 people*, some were saying 12,000 people (some of the Members on that side). And, of course, we were saying the numbers were no such thing, they were much smaller, in the hundreds. I think eventually it turned out to be about 800 people.

And I think, again today, you are seeing that temptation that they fall prey to on their side of exaggerating. Today he is talking about hundreds, and then he says perhaps thousands. I think the fact of the matter is that there may be, and the Honourable Minister can help here, there may be applications outstanding with the Department of Immigration for registration, as opposed to naturalisation. And I would suspect that there was less than a hundred people . . . it might be about 50 people.

But, again, everyone acts as if these people are strangers to us, they are some sort of foreigners, they are not part of our society. But these, in truth, are people who were born in Bermuda and spent the first 10 years of their lives here in Bermuda. They are not strangers to us. You know, they are not people who, as someone said, pitched up on our beaches . . . you know, illegal sort of refugees, or someone is talking about migrants. You know, these are not migrants. These are people who were born in Bermuda and lived here for the first 10 years of their life. They are not these invading strangers who are threatening us that we see put up as a straw man in the argument.

And quite frankly, I have been disappointed that some of the human rights groups that we see out there did not put up a bit of a stronger opposition than we saw. I did not hear anything from the Centre for Justice, although the Minister said he met privately with Ms. Memari. I would have thought the people

who were such strong champions of the European Convention on Human Rights in general would have had a little bit more backbone when they were considering this matter.

Now, that is not to say that there is not some sympathy with the position that the Department and the Minister find themselves in. And there was not just one ruling; there were a string of rulings. Certainly, while I was the Attorney General, I think we had the case of Griffiths; we had the case of Barbosa (which was won); and the case of Tavares. But that is the way the world is going. People are given broader rights now, and that is just the way of the world.

You know, the Honourable Minister spoke to services—functions versus services. But you know that old idea that there was a big divide between Government functions and services has gone out the window now. The new interpretation of the law by the judiciary is that all of those things are services and they fall under the remit of human rights. And that is why the case was not appealed, because if we appealed, we would have lost. There was no reasonable chance of success. And people always ask, *Well, why didn't you appeal this case, or why didn't you appeal that case?* Well, because the best advice you received was that if you appealed you were going to lose and it was a pointless activity.

Now what has been suggested is that the Minister, if he took a little bit more time and if he wanted to retain control by the Immigration Department over some of these aspects, he could do so and still be within the realms of human rights. Because, you know, as I think the Minister himself pointed out, maybe in his Statement on the 6<sup>th</sup> of October, and perhaps otherwise, that there are tests of reasonableness within the rights that are given in the Constitution. And so what we are favouring on this side is that the exemption which would be given under the Immigration Act, would be more of a targeted exemption which would have to stand up to a reasonableness test. So it was not this broad blanket exemption from human rights which, quite frankly, gives Bermuda a black eye internationally. It is just a bad way to operate.

And, you know, again, people have said, *Oh, well, you know, other countries control their immigration.* Well, again, in the UK the exemptions for immigration in the UK are narrow and targeted exemptions, and there are these tests that the Government must meet in order for them to exclude people, et cetera. But it does not take away the Government's powers; they can exercise them in appropriate cases.

So, Mr. Speaker, I hope that is not too emotional, but we feel the Government has gone down the wrong path here. They reacted in a panic, and in our view they should just wait to see, firstly, what the Immigration Working Group is recommending. Because right now you have people out there who have the right to work. And these are people who were born here, lived here for the first 10 years of their life—that

is a baseline requirement. But the truth is a lot have been living here their whole lives and at the moment they are able to work and all of a sudden this passes and they cannot work and what are they supposed to do? Are we going—

**Hon. Walton Brown:** Point of order.

**The Speaker:** Point of order, Minister. Honourable Member will you take a seat?  
Minister?

#### POINT OF ORDER

**Hon. Walton Brown:** The Honourable Member should know better. Anyone that currently has the right to work in Bermuda without a work permit will retain that right. This amendment will not take away anyone's right.

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

**Hon. Trevor G. Moniz:** Well, Mr. Speaker, I am a little bit confused. The Minister is saying . . . even the person in the Tavares case . . . you are saying they are not going to be affected?

**The Speaker:** Minister, would you like to respond to that now? As a point of order?

**Hon. Walton Brown:** Yes, as a point of order.

The Honourable Member must know that the matter has been appealed. And while the matter is being appealed, as you would know as former Attorney General, the entire issue is in abeyance.

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

**Hon. Trevor G. Moniz:** That may be true. But the point is, Mr. Speaker, that people who were in that position would now not be able to work. I mean in that case he is saying it is subject to appeal.

*[Inaudible interjection]*

**Hon. Trevor G. Moniz:** Well, presumably there are other people who are also in that position.

**The Speaker:** Well, just continue to speak to the Chair. The Minister can answer when he gets up to do his reply.

**Hon. Trevor G. Moniz:** Anyway, Mr. Speaker, there has been such undue haste with this matter that we just urge the Minister to withdraw this, to rethink it. We think it needs a much more targeted approach, and

that way he can meet his requirements under the European Convention as well as achieve his objective.

Thank you, Mr. Speaker.

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

Does any other Member wish to speak?

We recognise the Honourable Member from constituency 36. Honourable Member Scott, you have the floor.

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

I take an entirely different and diametrically opposed view to the Shadow Attorney General and Shadow Minister of Legal Affairs, Mr. Moniz. I do. This is not a matter that we should be tip-toeing around. And I want to commend the Minister of Home Affairs for the forthright device that he has deployed against the judicial activism that we have seen exhibited in this matter.

I have heard the Minister indicate that it is a holding pattern. I wish to commend to the Minister that this position ought never to change, no matter how much consultation or findings of the Working Group, because this is, as the Minister indicated, returning the policy of the Bermuda Immigration and Protection Act back to its normal parameters. It is a protection Act that has had legacy experience of protecting this country. And indications that there should be some equivalency, indicated by the Shadow Attorney [General], between large states such as the United Kingdom linked with the European Union, are false equivalents, as the Minister properly pointed out that small states are entitled to take a more restrictive approach.

Mr. Speaker, we have had the opportunity to refer to the case of Tavares. And may I just for Hansard indicate that under the *sub judice* rule if the matter being discussed is under adjudication, but relates to a matter which the Minister is bringing, then we can discuss it with your discretion. And this precisely falls into the category. Tavares is precisely wrapped around and intertwined with today's amendment to section 8.

*[Hon. Derrick V. Burgess, Sr., Deputy Speaker, in the Chair]*

**Hon. Michael J. Scott:** So, the other reasons for this matter being both important nationally [and internationally] is that when the Human Rights Act, Mr. Deputy Speaker, was first promulgated and passed in this House in 1981, even at its section 29 (in its original manifestation) it contained restrictions. It was not an open-ended affair.

With your permission, it speaks to the basic human rights paradigm that in any proceedings before a court—and it is always the Supreme Court or the Court of Appeal, it does not . . . the jurisdiction of the lower courts, Magistrate's Court, do not apply. And proceedings in the Supreme Court under the Human

Rights Act, or otherwise, the Supreme Court may declare any provision of law to be inoperative, Mr. Deputy Speaker, to the extent that it authorises or requires the doing of anything prohibited by the Human Rights Act—and here are the operative words—*unless such provision expressly declares that it operates notwithstanding this Act.*

So that is the first “unless” provision contained in the Human Rights Act itself that challenged the primacy that was necessary under the Human Rights Act to allow our Supreme Court to declare all statutes that offend against the Human Rights Act to be inoperative, unless, of course (says section [29] in the original Act), the Act that is seeking to breach human rights. [That section] says that it is expressly inapplicable and so can continue to allow these human rights to be abridged. So it begins in 1981. And in 1981, oddly, the primacy provision, Mr. Speaker, at section 30A . . . you know there was a 30, and now 30A was only added, Mr. [Deputy] Speaker, in 1993. And the primacy provision repeats, a new declaration of the primacy of the Human Rights Act. And, with your permission, may go to that?

And so we have got it being restated. I am not quite sure why section 29 did not cover it or kick it, but [section] 30A in 1993 . . . we should try and understand what was happening in the country in 1993 to understand why there was this reinforcement in 1993 with [section] 30A being inserted into the Act. So [sections] 30A and 30B are entitled . . . in fact, it is 30B for the record. [Section] 30A is for an “Annual report,” [section] 30B is “the Primacy of this Act.” And it says:

“[(1)] Where a statutory provision purports to require or authorise conduct that is a contravention of anything in Part II” (of this Act—the Human Rights Act—then) “this Act prevails.”

So again, the primacy of the Human Rights Act 1993, those three words, “this Act prevails” whenever any Act seeks to breach or introduce conduct contrary to human rights, “this Act prevails.” So there is the primacy provision. But here is an important word, Mr. [Deputy] Speaker, yet another “unless” occurs in 1993, “. . . this Act prevails unless—(a) the statutory provision specifically provides that the statutory provision is to have effect notwithstanding this Act.”

This is where the Minister of Home Affairs has indicated that Judge Hellman in the Tavares case regarded this as not applying—remarkable judicial acrobatics—and—

**The Deputy Speaker:** Member, let us try to stay away from the Tavares case.

**Hon. Michael J. Scott:** Mr. [Deputy] Speaker, I hear you, but that is why . . . and I will respect that. But Mr. [Deputy] Speaker, so that we get it in Hansard, “A matter awaiting” . . . and with your permission I am reading “Matters pending judicial decisions.”

“A matter awaiting or under adjudication by a court of law should not be brought before the House by a motion or otherwise. Subject to the discretion of the Chair” (yourself, Mr. Deputy Speaker) “reference may be made to matters awaiting or under adjudication in civil courts insofar as they relate to certain ministerial decisions or concern certain issues of national importance.”

So, I will try . . . I will not—

**The Deputy Speaker:** Well, you have other areas to go. This is wide open. I do not think we have to refer there if you can . . . not, please.

**Hon. Michael J. Scott:** Sure. I just want that to be on the record as the reason why I said—

**The Deputy Speaker:** Yes.

**Hon. Michael J. Scott:** —because I was alive to the *sub judice*.

But, Mr. [Deputy] Speaker, the “unless” provision in the 1993 Amendment is clear in that it introduces “unless the statutory provision specifically provides that the statutory provision is to have effect notwithstanding this Act,” (the Human Rights Act), and it goes further, “or the statutory provision is listed in Schedule 2 [of the Human Rights Act] as a statutory provision that is to have effect notwithstanding this Act.”

Now, if we look at today’s Human Rights Act, there is a Schedule 2. And there are a number of insertions in there, from the Companies Act to the Transport Act, to the Bermuda Immigration and Protection Act. All of those are out of scope and will have operative effect, notwithstanding the fact that they may abridge human rights.

So the point one is making is that even in the original Human Rights Act, in its original manifestation the carve out for primacy being restricted, or primacy being deflected, is there. And now the Minister comes today because of this case to put primacy on the third time, but it is more expressed and it is necessary, it is positively necessary. If it did not occur, Mr. [Deputy] Speaker, the concept of “restricted person,” which is so central to the Bermuda Immigration and Protection Act . . . “restricted person” would become meaningless. Surely, as responsible Bermudians that is not the direction, notwithstanding all of the arguments, sophisticated as they were, by the Shadow Attorney General. Surely we have to recognise that gutting the Bermuda Immigration and Protection Act of the applicability of “restricted persons” makes no sense for all of the reasons contained in the Minister’s brief.

And so I do not dance around section 8 as being something that we should ever hope to revisit as returning to where this case has said it ought to be allowed to go. These kinds of restrictions in a country this size, as we have seen from the implications of

jobs, unemployment, schooling, needs to be in place forever. Unless, of course, we recover and reclaim massive amounts of land and resources and more tourists so that the economy absorbs these kinds of contemplated expansions of people and job takers. So it does keep us to the status quo.

Mr. [Deputy] Speaker, can I turn now to the question of further justification, if I may put it that way, to what we are seeking to do here today? Can I just turn to the principle of judicial restraint? Now, judicial restraint is the very polar opposite of judicial activism. Again, with your permission: “Judicial restraint is a procedural or substantive approach to the exercise of judicial review. As a procedural doctrine, the principle of restraint urges judges to refrain from deciding legal issues, and especially constitutional ones, unless the decision is necessary to the resolution of a concrete dispute between adverse parties.”

And these are the really operative words: “As a substantive one, it urges judges considering constitutional questions to grant substantial deference to the views of the elected branches and invalidate their actions only when constitutional limits have clearly been violated.”

“Compare judicial activism” . . . the polar opposite. This occurs when . . . judicial activism is the dynamic process of judicial outlook in a changing society—the US [historian] Arthur Schlesinger, Jr. introduced the term “judicial activism” in 1947.

According to *Black’s Law Dictionary*, judicial activism is a judicial philosophy which motivates judges to depart from the traditional precedents in favour of progressive and new policies. Judicial restraint is a theory of judicial interpretation that encourages judges to limit the exercise of their own power . . . it asserts that judges should hesitate to strike down . . . I beg your pardon—I have now gone onto judicial restraint.

So, those are the two contrasting legal concepts and it has brought the Minister of Home Affairs, the Government, the people of Bermuda, by extension, into a direct head-on-head collision with judicial activism, which is having an important negative impact. And I accept the Minister of Home Affairs’s indication that it can affect hundreds to thousands of cases. I have understood that. And it is all being driven by an equally active member of the Bar who is prepared to take up this in relation to companies, under the Companies Act, or wherever.

The country must always be in a position to restrict persons who are neither Bermudian . . . by just simply making it necessary for there to be controls through work permits. What was remarkable in this Tavares case, with your permission, was the interplay between the insistence that there be complete, unrestricted right to work. And as the Minister of Home Affairs has indicated, we need people to be working in the country. It helps the economy. And far from what the Shadow Attorney General was saying that it is going to prevent people from being in Bermuda, it is

only going to prevent them from working unrestrictedly. It is going to stop them so that the Minister knows from one moment to the next, one week to the next, who is on the work job rolls so that he can manage the policy of putting Bermudians' rights properly into context when they are bidding for . . . that is what it is about and that is why we should have the restrictions maintained.

Mr. [Deputy] Speaker, one thing that Mr. Moniz also said, which was entirely wrong . . . this case was assigned . . . the participants in it were assigned British Overseas Territories status, and in consequence of the applicant being born in Bermuda—not a Bermudian, no parent Bermudian. And Government House, Mr. [Deputy] Speaker, is the authority which grants naturalisation. And we all understand that this was another requirement. And yet, Government House was supporting (I think it was former Minister, the Opposition Leader and now this Minister) by not granting naturalisation, having had the applicant apply for it, because they were not compliant with the categories contained in the Constitution. And Mr. Moniz did not mention that. And the Constitution provisions that the applicants in the case did not satisfy in order to qualify for naturalisation were found at [Schedule 2, Chapter 1] 11(5) of our Constitution.

So, the qualifications were that one of the parents . . . defines a person as belonging to Bermuda and a person is deemed to belong to this country, Mr. [Deputy] Speaker, if they possess Bermuda status, are a citizen of the United Kingdom and Colonies by virtue of the grant of Governor by Certificate of Naturalisation, are the wife of a person to whom either of the foregoing paragraphs apply, are under the age of 18 as the child or step-child, et cetera. So, Government House was supporting by inaction the Minister's position. And it no doubt was taking the view that it was awaiting the outcome of the Minister's policy having found that the Minister found that the decision in Tavares was one that was under review. Yet, the finding of the court in this case was that the delay was so long that even the waiting to assign naturalisation to the applicant was unlawful. More judicial activism, more judicial acrobatics, in my submission.

So, Mr. [Deputy] Speaker, the critical point of today's amendment is that it is reinforcing that which was already in the Human Rights Act, as should be in any sensible legislation. You give rights, but you qualify it; just as it is qualified in our Constitution. You have the right not to discriminate, save when it is possible to be accepted, in order to make sure that a civilised and democratic society . . . that is the provision, I am doing it off of . . . civilised and democratic society demands that there be some abridgement—acts of emergency, acts of national importance, make it necessary that the constitutionally protected rights do not prevail when those conditions apply.

It is normal legislative drafting. It is wise drafting. And what the Minister today is doing is drafting in

the face of judicial activism, driven to this point when the Act itself had incorporated in it the provisos, and so I commend the Minister. There should be no apology for it. There should be no departing from it ever.

Legacy legislators in this House introduced the Immigration and Protection Act in the context of a country that is 20 square miles long with a fixed population that has to be protected. It did so by introducing concepts of aliens. The word morphed into "restricted persons," and it would send the wrong signal for the judicial branch to interpret the Human Rights Act in a manner, in the context of the Bermuda Immigration and Protection Act, in a manner that we are now being caused to introduce an amendment to put beyond paravention the primacy of the power of the Minister to control the working of restricted persons in our country.

It is a matter of public importance. It is a matter that is essential. And if sirens who say that we are bringing the human rights world to a complete death and end would just stop and think, or if they would read the original context of their very own Act on which they rely for their defence, they will see that in the Act itself these restraints, these provisos, are there against the primacy of the Act.

And, of course, no one can challenge this Minister of Home Affairs for his adherence and championing of all of the rights under the Human Rights Act in our country. No one can do it. This is a remarkably different case that departs into a narrow rabbit hole of unrestricted permission to—unrestricted right to—reside and seek employment in this country for two persons who heretofore have no parent who is Bermudian, no grandparent who is Bermudian, who are not Commonwealth citizens, and it goes straight to the heart of the Bermuda Immigration and Protection Act. It drives a coach and six through it, and this is why this should be ministerial activism—or just wisdom—to bring the matter back to base and to normalcy.

It is proportionate action. It is reasonable action. But it is also imperative and necessary action.

**The Deputy Speaker:** Thank you, Honourable Member, from constituency 36, Mr. Scott.

Just want to remind all those in the Gallery, if you can put your phones on vibrate, we would certainly appreciate that.

Any further speakers? The Chair recognises the Opposition Leader, Ms. Pamplin.

**Hon. Patricia J. Gordon-Pamplin:** Thank you, Mr. [Deputy] Speaker . . . that is Ms. Gordon-Pamplin.

**The Deputy Speaker:** Ms. who?

*[Laughter]*

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

You know, I think, initially, when I heard that earlier today I thought it was a mistake and an oversight. But now I am beginning to get a complex about it. I am a “Gordon,” irrespective of what others might want to hold on to.

Anyway, Mr. [Deputy] Speaker, it falls to me to respond and to give some observations with respect to the amendment that we have before us today which, in essence, is a Bill which is taking the Immigration and Protection Act outside of the Human Rights Act.

Mr. [Deputy] Speaker, the Minister, in his presentation earlier, indicated that one of the reasons for taking the steps that he is taking today is effectively to put a holding position on an egregious challenge that had its genesis, perhaps under the previous administration, where the judgment actually came down . . . I think I actually inherited that judgment when I sat in the seat that he now holds. So, I am sensitive and understanding of what it is that he was attempting to do.

But let me just say that to do something that is just putting us in a holding position is effectively acknowledging, and listening to the Minister’s further comments that he will take amendments later and, you know, has committed to acting on such amendments as time goes on. What that really is saying is that we are rushing to create bad law that we know to be bad law—

**Hon. Walton Brown:** Point of clarification, Mr. [Deputy] Speaker. Just for the purposes of elucidation—

**The Deputy Speaker:** Mm-hmm.

#### POINT OF ELUCIDATION

**Hon. Walton Brown:** The amendment has been thoroughly and carefully assessed and analysed. We have come to the conclusion that it is the appropriate time to do and will have no long-term implications for the violations of anyone’s human rights.

The undertaking I gave to the Human Rights Commission [HRC] and to the Centre for Justice is that even though we have not seen any potential for abuse and human rights abuses, we are prepared to ascertain and assess any weaknesses or any unfairness that they find. We have undertaken a careful review and assessment. But we are giving the opportunity to two highly respected organisations to be able to bring forward to us and our attention any issues that they may come up with. But we have done a proper and due diligence on this matter.

**The Deputy Speaker:** Thank you, Minister.  
Carry on.

**Hon. Patricia J. Gordon-Pamplin:** Thank you, Mr. Deputy Speaker. The Honourable Minister, as I said,

has given his presentations. And the way it has come across is that we need to hurry to get this in place. And he made mention of a specific case for which the decision was passed down and for which this is one of the methodologies by which to close such a loophole. And, as I said, I understand.

What this Bill is doing in taking the Immigration and Protection Act outside of the Human Rights amendment caused incredible consternation in the community. We heard from all manner of interested persons, not least of whom were the Human Rights Commission (or people representing them), which basically said, *Minister, withdraw the Bill*. And why would that have been the approach that they would have taken? Because there was nothing, obviously, in the communication—if there was any between the Minister and the Human Rights Commission—that gave them comfort to say that this was not undermining the authority that we had as Human Rights Commissioners in trying to pass this Bill.

Now that, to my mind, would have been a relatively simple and simplistic approach to even just pick up the phone and say *this is what we want to do*. Have sufficient consultation to say what the intent was and thereby diminish the anxiety that came from, not just the Human Rights Commission, that came from, you know . . . there is a litany of other people who were headlined talking about, you know, diminishing Human Rights Act could open doors to abuse. The Minister has told us today that that was not the intent.

We saw *campaigners oppose the Immigration Act; Human Rights amendment will destroy basic rights*. These are the anxieties that the Minister, by virtue of the approach that he had taken, created in the community to have that kind of response.

Now, the Minister also said that, you know, he has been an advocate of human rights, and I support that position, for the most part. Perhaps he is more progressive than a lot of his colleagues in other areas in terms of supporting human rights. So, I applaud him for his stance that he has taken and the reputation that he has developed for himself in that regard. But as he spoke to the importance of embracing and creating policy that . . . or, the laws, immigration laws, ought not to be changed without full consultation (which was effectively the statement that he made in January, I believe it is, of 2017), and then to table a Bill that says in two weeks’ time we are going to take this up and, as he said, they were going to pass it. And, yes, they will pass it, because they said, *You know, 24 will beat 12 any day and any way you count*. I am an accountant. I am an accountant and I can figure that much out.

But wherein lies the protest? Because when the Minister speaks to—

*[Inaudible interjections]*



**Hon. Patricia J. Gordon-Pamplin:** I said, the protests that came in the headlines, in the newspaper headlines, and the reactions that have come from people at large. Wherein lies that? And that is because—

*[Inaudible interjections]*

**Hon. Patricia J. Gordon-Pamplin:** I hear Members opposite saying *manufactured*. It is not manufactured. When people have legitimate concerns . . . because those concerns do not tie with what you are attempting to do. It means one of two things: (1) either you do not care; or (2) you have not explained it well enough to defuse the anxiety that might exist. And what I am saying . . . and I am not listening to the Honourable Member, but what I am saying here is that under this circumstance that is what has happened.

Now, the Minister said earlier, you know, we want to have good immigration reform, and we embrace everybody, and we want to reach out and have a bipartisan committee. Now, what I find interesting is there is a lot of *ex post facto* behaviour that I have seen by the Honourable Minister, because the Human Rights Commission, who a week ago, or 10 (whenever it was) said, *Withdraw the Bill, Minister*. And, then, the next headline was that the Minister has invited the Human Rights Commissioners (or their representatives) to sit on a committee such that we can have this hold-hands-and-sing-*Kumbaya* moment so that we can come up with something that is appropriate.

Now, had that been done prior to, then you could understand that we would not have the anxiety that has existed in the community. What we saw subsequently is the position taken . . . and the Minister said he is going to invite the HRC to sit on this committee that he is putting together, this bipartisan committee. What I have not seen . . . and I would certainly question their position. Have they had a rethink about their request to the Minister to withdraw the Bill?

Sitting on the committee is basically saying, *I will placate you. You have asked me to withdraw the Bill. I am not going to allow you to embarrass me in public by asking me to withdraw something, so I will help to placate you by saying you come and sit on the committee and we will listen to you for further down the road.*

Now, I do know the way in which these cases appear on the Minister's desk, because I have had the benefit and the privilege of sitting in that seat. The Minister would know now how many cases he has on his desk awaiting some kind of decision that would cause this urgency to have to be enforced today. There may be 10 cases, there may be 20 cases, Minister. There may be none!

There may be none.

So, if the Minister knows that within a 10-day period of time there are going to be recommendations in respect of work that has been done by a committee, of which he was an integral part, and that they will be

reporting to him, would it not have been in good consultative taste to be able to say, *I will give you the benefit of coming to report to me on October 31, and as a result of those reports, given that I have zero cases on my desk that are going to impact this particular legislation and its immediacy for being effective, that maybe we can go forward together and have a good consultative process and in the short term ensure that whatever legislation comes gives comfort to the community that this is not something that is being rushed only to be changed later on.*

And I say that that position that the Honourable Minister has adopted . . . I have seen it in action in other areas. We spoke of . . . the Minister spoke earlier of a bipartisan consultative; let everybody get together on this. And then he said that he had invited members to sit on a committee, the bipartisan committee, and the Minister will know . . . we have had exchanges on this because as the Leader of the Opposition, the Minister chose members from my team to sit on this committee and did not have the courtesy to send me either . . . or pick up the phone as . . . the Deputy Premier picked up the phone one day, called me up and said, *Minister, we are going to do a ABCXYZ, I just wanted to make you aware.* You know, I am not difficult. But, when you are asking our Members to sit on a bipartisan committee, at the very least, you would have the courtesy and the decency to say, you know, Leader—

**Hon. Walton Brown:** Point of clarification—

**Hon. Patricia J. Gordon-Pamplin:** —would you mind? I am going to give you credit. Give me two seconds, if you will. If you will . . .

So, I pointed that out to the Honourable Minister. And he came back at me and he said, *Opposition Leader, I apologise that protocol was not followed.* Now, this was maybe—

*[Inaudible interjection]*

**Hon. Patricia J. Gordon-Pamplin:** And you said . . . I can tell you exactly what you said.

You apologised. You said protocol was not followed. And he also said that I was not the only one whom he slighted in that regard, that he had not . . . that he had a similar admonishment from the Premier because he had not told him either in terms of the Members that he had chosen from the Government side. So, basically, he was an equal opportunity dis-respecter (is what he was saying). And, you know, that is what he said.

So, when you see that happening and then the HRC comes along and they are the holders of things relating to human rights and they themselves did not have that—the decency of that early advice—they might start to wonder if this is this a pattern that says, *Oh, I will do what I wish to do.* You know? I think

the expression says it is better to ask for forgiveness than for permission. So, these are the kinds of things that make you question the genuineness of the embrace of a consultative process and herein lies some of the anxiety.

When I first saw this and I saw . . . you know, as I said, the HRC has not come out and said, *I withdraw my comments with respect to asking that the Minister withdraw the Bill*. They have not, publicly. I do not know whether they have done in their communication with the Minister, but they certainly have not publicly stated that their initial reaction was perhaps over-reactive and, therefore, they have changed their minds and, therefore, now support the Minister. All I see that has happened is that they have said, *Yes, thank you, we will sit on your committee*. But we still think that what is out there is that the HRC did not want the Minister to proceed with this Bill.

Now, whether . . . you know, the Minister will do it because that is what he feels that he must do. But I think that when we have legislation that is so broad-based and is so all-encompassing as to create that level of anxiety, in the absence of people banging down the door to indicate that *this is another case and another and another and another that we need to react on immediately*, then I think that it does not hurt to pause. It does not hurt to really embrace and speak with the people who have expressed concern and to say, *I hear you. I hear you and I am genuinely concerned about allaying any fears that may have existed as a result of my actions that I have chosen to take*. So, that is where we were coming from on this, Mr. [Deputy] Speaker.

The situation . . . I do not need to go into the technicalities of it because I believe that my honourable colleague, the Shadow Attorney General, has done it very succinctly. But the issues that gave rise to this particular case were such that it could have opened a Pandora's box. And the manner in which . . . and what I find really quite interesting (I have to say this), is that the Minister mentioned in his presentation that this was something that came down under the previous Minister, because the Minister said *no, you will not be able to stay here without . . . or free of immigration control, and the parties chose to appeal*. Okay? To hear the Government—the now Government—tell it, when we were in the Government, *Oh, they let everybody come through our borders; there were no controls. They did what they liked, and they do not care about Bermudians*. But this is actually . . . this proves that there was a “no.” There was a no that gave rise to a Supreme Court application to overturn the Minister's decision.

[Inaudible interjections]

**Hon. Patricia J. Gordon-Pamplin:** This shows right here. So, it does not, you know—

[Inaudible interjections]

**Hon. Patricia J. Gordon-Pamplin:** Well, we lost the election, so now it is your turn to do that. So, it is entirely up to you.

But, what is interesting is that, you know, you cannot have it both ways. So, if you are going to criticise, criticise. The Honourable Minister said something that is absolutely 100 per cent accurate. That is, when you are going to present, present with facts. So, do not come on the one hand and say we rubber-stamped everything that came before us to allow all and sundry to come through the flood gates and now, *Oh, but the Minister said no*, and therefore it has led to an appeal and now we have to close that loophole. So, it shows that actually the system works. The system works.

Now, the Minister spoke about some of the challenges that befall and beset Bermudians who are negatively impacted by some immigration issues and the things that happened within the immigration . . . the rules as they exist. The Minister mentioned things like annual pay (this is from the study, the statistical study), annual paying jobs fell and benefits offered. But I have had words with the Minister again to say, *Watch some of the things when you criticise publicly, or when you make public statements make sure that you are not exposing yourself to doing the same things for which you are now making public criticism. Because there is evidence to the contrary*.

It is fine to say that we are champions of Bermuda and Bermudian rights, and yet, there are things that are going on that contradict that assertion. So, I just simply say for the sake of clarity that the Minister cannot make a blanket statement for things that have obviously still not been properly rectified in terms of how his Government and how he has approached new immigration policy.

Now, all I say is that a lot of the things we do can have unintended consequences. And all I can say is that, you know, but for a chronological sequence, Mr. Deputy Speaker, I would not be here because my father was not Bermudian—was not born, had no Bermudian ties when he came to this Island. And notwithstanding the challenges that he faced when he came he was resolute and he remained. And I am here, much, perhaps, to your chagrin, Mr. Deputy Speaker. But that is okay.

[Laughter]

**Hon. Patricia J. Gordon-Pamplin:** I understand. And I am willing to accept that.

So, the Honourable Member might say I probably just made the case; I have just made the case for enhancing immigration controls. However . . . however, the Honourable Member would have to know none of us have to go too far back.

So, we want to make sure that when we talk about . . . and, you know, I was very heartened and very warmed this morning to have listened to the Honourable Minister Caines when he spoke about the people who were honoured this morning by the Jamaican community and the impact that they have had on our society. [So I want to make sure] that we do not conflate what we feel about foreign workers and then somehow have a dichotomy of our opinion in terms of the benefit that they bring to the country, because I do not believe that my dad would have had the privilege of being a National Hero, or that my family would have had the privilege of knowing that my father has been considered a National Hero if he brought nothing to the table.

So, there are times, because we want to protect in a newer and more modern society, that we want to be able to ensure that our people are looked out for. That is not dissimilar from what was obtained while, certainly, I sat at that desk.

So, I would just like for the Government and for the Minister to appreciate the fact that when we have situations such as these which have created the angst that this has caused, such that the watchdogs of the organisation that you are excluding from the process felt as though they were anxious, and in the absence of any of a plethora of outstanding cases on his desk that the cure has to be immediate and today, I do not believe it hurts to take a moment to wait until the end of October to consider what his committee will bring, whether their recommendations are going to be part and parcel of a combined attitude of reform.

The Minister says this is not changing anything; this is just moving the Immigration Act from here to the Human Rights Act and it is putting it here. But when people do not get that message, then something has failed in the communication. So, I would simply ask that the Minister reconsider the urgency of getting this done today in light of . . . unless he is able to say that there are another dozen, half dozen, cases or whatever sitting on his desk to be adjudicated on this particular issue.

I would just say that when we talk about numbers and, you know, the people born in Bermuda who have non-Bermudian parents that the very nature of immigration is that it is discriminatory. And, you know, this is a comment that was made by the Premier to the Association of Bermuda Insurers and Reinsurers (ABIR) in the early part of the week. And I have spoken about that meeting that he had earlier on. So, the nature of immigration is that it is meant to be discriminatory. Therefore, you have the right to say, *Yes, you can come into my borders, or, No, you cannot come into my borders.* So, that, by its very nature, is discriminatory. But you do not want to create anxiety for your people who live here.

You do not want for people who . . . we are not talking about brand new people coming across the borders. We are talking about people who have been

here—some of them their entire lives. Some of them have made requests to be able to operate outside of the immigration control, and I have said no. Clearly, the Minister has had opportunity to say no, because the circumstances can be looked at to be determined that there is nothing that is special about that case that gives people the right to remain outside of immigration control.

So, I do not see that there is anything wrong while we are formulating good law, rather than hasty Bills passing that may or may not require additional changes somewhere down the road that are coming anyhow, that the Minister says that he is open to accepting that, I think there is nothing wrong, in my estimation, to ensuring that we are not using a sledgehammer to crack a nut.

Thank you, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you, Honourable Member, from constituency 23.

Any further speakers? The Chair recognises the Honourable Member from constituency 3 . . . 2? Three.

*[Inaudible interjection]*

**The Deputy Speaker:** Ms. Foggo from St. George's . . . St. David's.

**Hon. Lovitta F. Foggo:** Thank you, Mr. [Deputy] Speaker. I have to rise on this particular piece of legislation because of all of the ramifications that it will ultimately have and because of the mandate that we were given as a PLP Government when we were elected.

Now, let me just say this. I want to acknowledge . . . and I accept some of the concerns that have been raised by the Honourable Member who just took her seat. I think that some of them are valid. However, I can also say that before we became the Government the issue of immigration was something that was very live and something that we spent much time considering as an Opposition group. So, when my Honourable Member who is responsible for the piece of immigration that is coming to the floor today says that it was not something that was decided as a quick fix, or was not without much consideration, he is speaking the truth. And I think that every Member who sits on this side of the floor can speak to that.

What has been advanced earlier with some of the comments made is, historically, basically what immigration powers deal with . . . and I think everyone, on both sides of the House and the listening audience, understands that basically immigration very much deals with the national sovereignty. Immigration very much deals with the ability to decide who are nationals and which nationals can come and reside within our jurisdictions. That is not a question which is on the table.

Let me say this before I continue down that vein. The works of the Human Rights Commission . . . I think we all benefit from what that organisation does. I do not think that anybody can speak in any sort of negative terms in terms of what the Human Rights Commission brings to the table. Our Minister has undertaken to work with the Human Rights Commission to ensure that whatever suggestions, if you will, will be greatly considered in terms of how certain things, going forward, take place. But, Mr. [Deputy] Speaker, what is important here today is making certain that, as has been stated, and based on the mandate that we were given, we put Bermudians first. And that is what we are seeking to do when we do this.

I do not think there is anyone, at least on this side, who will say, with what I am about to say next . . . will disagree that most of the people that I encounter, most Bermudians, born and bred, that I encountered when on the doorstep before the election and even now after the election are concerned about the birthright of their children and grandchildren. When there are policies in place that, from where many of them sit, seemingly have caused Bermudians to be displaced, especially when we speak about in the workforce. So, as I continue to canvass, Mr. [Deputy] Speaker, that is amongst some of the first things that are continued to be expressed to me from my constituents and people who I pass on the street in terms of what our remit is and what their expectations are as constituents for this Government to get correct.

And I would think that in any jurisdiction those who are born, bred, or whether, they are status Bermudians, that they have the right to enjoy first the rights that they should enjoy as dependent territory citizens—in Bermuda, anyway—or citizens of Bermuda.

So, Mr. [Deputy] Speaker . . . and I wanted to emphasise that because in real talk there are many Bermudians who today because of displacement in the workforce and because they have seen (and statistical reports have borne true) that when jobs were rising for expat workers in Bermuda, jobs were being lost for Bermudians. We cannot ignore those types of statistics and as a Government if we are talking about ensuring a stable economy as a Government, if we are talking about creating a fairer playing field, as a Government. If we are talking about getting things right for our people then we must create the right framework as a jurisdiction that allows and encourages that, Mr. [Deputy] Speaker.

We are not trying to create a situation, if you will, that discounts those who come to our shore and provide services. We are trying to ensure that we create an environment that is fair for all who reside here in Bermuda with Bermudians coming first, Mr. [Deputy] Speaker. So this legislation that is being put in place is just one mechanism that is going to be utilised to try and ensure that this does happen because we cannot forget, we cannot dismiss that certain

things that we have seen play out in the community at large in terms of findings and certain court cases, for whatever the reasons, we know what certain loopholes exist. We know what is there in play. And we have to fix it. It is our responsibility to ensure that we get things like that correct, and not just for any one particular group but for everyone.

Every single country through its immigration laws has set up a situation that provides protections for its citizens first. I think that is the prudent thing to do as a jurisdiction, for us to do the same. We cannot be apologetic about what it appears that we are trying to do in the best interest of this society as a whole. It is something that must be done. We understand that for some, they may see it as a device used to disadvantage them. But that is not what we are guided by. We are guided by doing the right thing for all the people we serve. We are guided by ensuring that our children and our grandchildren are protected. We see it as being our responsibility to ensure such, Mr. [Deputy] Speaker.

Mr. [Deputy] Speaker, I never intended to speak long, but I did want to bring it right back to the real reason why we are here today. And we are here today to create a level, fair playing field that recognises the rights of Bermudians. Mr. [Deputy] Speaker, I know there are those in the public domain—and you have heard me say this before in this Honourable House—who have questioned what a Bermudian is. Well, Mr. [Deputy] Speaker, I am a Bermudian. And I am here to say that we as Bermudians have the right to set up our immigration laws for the protection of the people we serve. We were voted in place to do that, and that is what we are doing, Mr. [Deputy] Speaker.

And on that note, I will take my seat.

**The Deputy Speaker:** Thank you, the Honourable Member from constituency 3, Ms. Foggo.

Any further speakers? We recognise the Deputy Premier, Walter Roban. You have the floor, sir.

**Hon. Walter H. Roban:** Thank you very much, Mr. [Deputy] Speaker.

You know, it is very interesting, the so-called discussion that has emerged around this amendment, for a number of reasons. Let me firstly say before I get into that discussion that I wholly support the Minister in his efforts to bring this Bill. I wholly support the rationale that the Minister has put forth publicly around the need to bring this Bill because, as has just been eloquently stated by the Honourable Member who sits in constituency 3, this Government was elected with a mandate to put Bermudians first, to create an environment for a fairer and better Bermuda. Those two statements are very clear, and support around that is also extremely clear.

Additionally, it behoves the PLP as a party based on its very history having been founded to address injustice, inequality, a situation in this country

where black people, poor people, people who were not white (those privileged and seen to be the beneficiaries of the wealth of the country and the opportunities of the country), men and women were discriminated against. It is a party that was founded as its core mission to address these issues and find ways to ensure that people would be elected to the legislature who can bring about change on these very key areas during a time when it was a lot more apparent on these inequalities, and championing the efforts to deal with these issues on an ongoing basis. It is a part of the party's core mission. So, it would have been unnatural for the Progressive Labour Party to have not brought this Bill.

When you look at the environment that has required this Bill to be laid, it is an environment that has taken a piece of legislation . . . and let us be clear. It has always been the intention of the Progressive Labour Party to see that we have substantive immigration reform. It is a position the party has taken continuously over the last four years. Every opportunity hammered that position, substantive immigration reform on the Immigration Protection Act 1956.

This Act, it has been recognised, even in its current form is strained to provide the protection and the support that many Bermudians desire. It has in the past been used as a tool to convey injustice, to operate an unjust system against black people, against poor people, people who were striving for opportunity in the country. Seeing the Act and the mechanism of the Act used to bypass what should have been just and fair practices, the Act itself has been used in that way. So, here we are now some . . . 1956 is a long time ago. The Act was drafted for a different circumstance that Bermuda was in. It is strained even in its current operation to do what is required.

So, here we are. Over a number of years we saw successive court actions literally pulling the rug out of what protections are left in the Immigration and Protection Act of 1956. That is the environment that we have faced. The courts, and those who sought to influence the courts, have literally been pulling the rug out of what protections are left. In the meantime, there is a call for reform. And that level of chaos around this Act got so severe, we had people circling this House to stop policies and Acts within this Legislature that they felt would jeopardise their lives and their future.

So, here we have it. We have an Act, the principal Act, that itself, as I say again, is strained to convey and ensure the protections which it should be providing to its population, as has already been stated by the Honourable Minister and others. It is the right of every sovereign country—whether it be a colony like we are or a full sovereign nation—to protect its citizens through policies and laws that ensure that their lives and their quality of life, and those who are part of the community will be able to move forward and prosper with a sense of safety and security—and identity. That is the universal purpose of immigration law, to

discriminate and distinguish actions that will promote those activities for their citizens and do what is necessary to do that, even if it runs awry of certain understanding and practises.

I am not condoning anything that is not in practice with international law or international standards. But immigration law, as has been said, by its nature is discriminatory. It decides that the people who have been identified as the citizens or those attached to that community shall have greater protection than those who are not, in entry and in conduct within that jurisdiction—whether it be in the purchase of land, getting jobs, and other general activities. Immigration law governs that, and that is international. That is in every country.

Now, let us be clear. It is not perfect. We see around the world that the question of immigration is tearing many ideas of national identity apart because countries are grappling and wrestling with this issue. So, in many ways we are not any different from the other 200-plus jurisdictions around the planet, and no one should act like we are. We see what is happening in Europe. We see what is happening in North America around the questions of immigration, which at this point threaten to severely damage the stability of the European Union. That one question alone, you know.

Okay, forget about the recession and all the other economic issues. That one question alone for the European Union—and let us not even talk about Brexit; that is just a totally different creature altogether—is bringing serious instability as countries seek to grapple with it. And sometimes it is the grappling that manifests certain occurrences that are not even in the country's interest, as we have seen with the rise of far-right sort of organisations politically questioning certain civil rights and liberties that have been seen to be natural within the space of a society.

Immigration is an issue of great emotion, Mr. Deputy Speaker. It brings about anxiety. It brings about concern. It brings about fear, and every country is struggling to manage it. So we are no different. And no one should park up in this House, or outside this House, and suggest somehow we are doing something that is so unusual. Really, it is the desire to ensure protections for the citizens of Bermuda, for those residents here who . . . this is their country. They have nowhere else to go. They desire economic, social opportunity for themselves and their children, and a Government taking a measure to make sure that happens is somehow unusual? Of course not.

Now, when it comes to the question of this Bill (for the benefit of the listening public, the Bermuda Immigration and Protection Amendment (No. 2) Act 2017) and what it desires . . . I hope that it is understood at least by what I am saying that the process that we are going through with this Bill is natural. It is a requirement, because it is a universal requirement of any Government to ensure that it is protecting its citizens and their interests, and putting them first. And

any law within the body of laws of that country that aggravate that purpose has to be amended and properly adjusted to make sure that that balance and that level of protection can be ensured. And what we have seen through the courts, and the decisions of the courts, is that it has upset what little protections many people perceive we should have.

Now, the effort really here, Mr. Deputy Speaker, is to bring a level of stability since, through the decisions of the courts and perhaps some policy decisions of the past, we find that those protections are in jeopardy. The understandings are in jeopardy. And this is a recent occurrence. And I declare my interest, as somebody who wants, not only as a legislator that I have been for nearly 10 years, but also I was somebody who worked in this department and dealt with these issues. I was actually in the department working in 1989 when they closed off the status moratorium. I was there. So, I understand the environment and some of the emotion that decisions on immigration can bring into a community and the rationale for many of the changes and adjustments that had to be made.

And, yes, we have to find a humanitarian balance in providing these protections. But, ultimately, this is the Immigration and Protection Act. Immigration law should not only facilitate easy passage in and out of the jurisdiction. It should also ensure protection. It is the protection question that we find seriously at risk here due to decisions of the court and policy decisions. The protections that underpin the law have been weakened and put the sense of security and stability of the citizenship at risk—just as it did pre-1989 and why the Government then had to stop and pause and totally eliminate the awarding of discretionary grants at the time because that is the situation it was presented with.

So here we are again in another situation where we are seeing that certain changes in interpretation and policy have brought that environment again.

We would not have had March of 2016 if people did not feel that way, Mr. Deputy Speaker. People felt at risk. People felt fearful. People felt their livelihoods were in jeopardy. But here we are now. And what is the Government supposed to do? Yes, the Human Rights Commission has given its opinion as it is entitled to do. But so have the Bermuda public. They have been very clear. Even if it makes certain people uncomfortable they want their rights protected. They want immigration reform.

So this is not an effort to stall or inhibit or limit the reform. It is to make sure that we have a certain playing field as the reform is going to commend, to bring about a better situation. But it is almost like a shooting target. Do we, as we are trying to change for the better, still have to grab and shoot and get a hold of it at the same time? No, that is chaos. If, as we are looking to reform the immigration framework, which does not just include the issue of a person's status or

residency or right to be here, it includes even the ability to own land . . . there are so many very important Bermudian rights and understandings that have a deep history behind them that the immigration law is tied to.

People can just talk . . . *Oh, it is just about letting a few people stay here and to be happy and peaceful.* It is not. It is deeper than that. We have had the Minister come to this House and talk about the sudden recurrence of other activities around immigration which are a cause of some concern which speak to the same issues of us efficiently having the opportunity to engage in a reasonable, objective process of review. I do not believe, and certainly this Government does not believe, that we can do that if we are trying to stop the bouncing balls, or grab the bouncing balls, at the same time we are trying to reasonably, in a rational, sensible way, deal with the question of immigration and we have an irrational situation that is emerging on another level. We have to stabilise it.

This law is to bring stability to the current situation which, in itself, is tenuous so that we can then bring about the rational change and evolution that is required around immigration. That is what this Bill is for. And this will bring greater peace of mind to the persons who are all concerned about immigration, which is every person who lives in this country—every person who feels this country is where their future lies; every person who deserves an opportunity; every child who desires an opportunity; every family who deserves an opportunity; every Bermudian who feel they should be first. The process we are going through is to bring peace of mind, ultimately, to them, to our partners, and to all concerned.

So, it is our duty to bring this Bill. If not, the legal chaos around immigration will just escalate (in my view), and I believe that it is in that spirit this Government has brought this amendment today.

I have heard the Opposition's arguments. And they are entitled to them. But I also believe, as do my colleagues on this side, that we have accurately taken a reading of the feeling and the temperature and the wishes and the aspirations of the majority of the Bermuda public and they have said they want a Government that protects them—at all costs, Mr. Deputy Speaker. Even if it upsets some people outside of our 22 square miles who do not understand the history of this country, who do not understand the injustice that people have witnessed, and are only concerned about ticking legal boxes of principles of which many of us in this House—perhaps even this generation—have only had the benefit from, that were drawn up by persons who had no idea about the struggles that this country has had to go through to bring about social justice, racial justice, opportunity, education to the wider public, discrimination. They have no idea.

And so this Government, in its own effort and mandate is taking action to challenge all of that—those injustices, those inequalities, the lack of oppor-

tunities—and bring about an opportunity in society for us all to move together on this very important question of immigration to remove some of the chaos that it has sadly represented to the lives of many people for decades. That is our job. And as I have said before in this House, the Opposition has an opportunity to stand with us on this and walk with us. Or they can condemn themselves to the dustbin of history and be seen as not putting Bermudians first.

And, maybe . . . I am not suggesting that they do not believe in that. But actions will ultimately speak louder than any words that they will say. But we are a Government of action. We are a Government that is taking the words that we presented to the electorate and transforming them into real opportunity that every Bermudian will feel they are a part of.

So, this Bill, the Bermuda Immigration and Protection Amendment (No. 2) Act [2017] will pass, Mr. [Deputy] Speaker, and will bring about a journey, a process that will allow this Government with whom ever wishes to cooperate and be a part of the process, a better situation in immigration that every Bermudian, everyone who loves Bermuda, anyone who respects what we are trying to do for our community will be proud of.

Thank you.

**The Deputy Speaker:** Thank you, Mr. Deputy Premier, from constituency 15.

Any further speakers? The Chair recognises the Member from constituency 22, Grant Gibbons.

**Hon. Dr. E. Grant Gibbons:** Thank you, Mr. Acting Speaker, or Mr. Deputy Speaker.

I will not be long, but I guess I was struck by how the Government is trying to rationalise this broad and sweeping change to essentially sweep aside the Human Rights Act. In fact, it is ironic in many ways because I think as some of my colleagues have said the very Minister who is bringing this Bill was the one who certainly advocated very strongly for human rights, advocated very strongly for lots of consultation going back a year or two, advocated very strongly for not taking a piecemeal approach to immigration reform, and yet the first piece of legislation the Honourable Member brings is one that flings aside the Human Rights Act when it suits political expediency.

Now, I do not know whether this is a change in moving from Opposition to Government or whether there are other issues here, but I think it is useful to sort of go back and look at exactly what the Bermuda Constitution Order did versus what the Human Rights Act did. I think that the Honourable Member who brought the Bill made the case that there is still the Constitution there. It protects human rights. But, just, I think to remind people, the Bermuda Constitution Order prohibits discrimination on the basis of race, place of origin, political opinions, colour, or creed.

Now, I think that Honourable Member was certainly around; I think he was paying attention. But earlier versions of Parliament decided that this was not sufficient; that the Bermuda Constitution Order did not provide sufficient protections. And so, when the Human Rights Act was brought in in 1981 and subsequently amended, it now prohibits discrimination based on race, place of origin, colour, or ethnic or national origins, sex or sexual orientation, marital status, disability, family status, religions or beliefs or political opinions, and criminal record, except where there are valid reasons relevant to the nature of the offence for which the person is convicted that would justify a difference in treatment.

So, in essence, what this amendment is doing is permitting the Minister of Immigration to legally make decisions in a discriminatory fashion on the basis of ethnic and national origin, sex, sexual orientation, marital status, disability—

**Hon. Walton Brown:** Point of order, Mr. [Deputy] Speaker.

**Hon. Dr. E. Grant Gibbons:** —family status, religion or beliefs.

**The Deputy Speaker:** What is your point of order, Member?

#### POINT OF ORDER

*[Misleading]*

**Hon. Walton Brown:** The Honourable Member is misleading the House; he is misleading the public. There are a wide range of requirements that constrain the freedom of the Minister responsible for Immigration to engage in any activity involving the issuance of work permits, the granting of PRC or status. So, the fanciful exercise that this Member is on is without foundation.

**The Deputy Speaker:** Member, I think you need to careful.

**Hon. Dr. E. Grant Gibbons:** I am being very careful, Mr. Deputy Speaker.

So, I think people have to be very clear about what is going on here because I think, as Honourable Members have said on this side, this is really taking a sledgehammer to crack a nut. Honourable Members on this side have also said that there may be mischief here. There probably is mischief that needs to be addressed, but it is also, I think, clear from the Human Rights Commission and others, that there may be a more targeted approach, a better way to address this rather than simply sweeping aside the Human Rights Act.

I think it is fair. Mr. Deputy Speaker, you will remember this. A former Progressive Labour Party Government was quite happy to discriminate against

Bermudians who were married to non-Bermudians in terms of land purchases, land ownership, and that goes back not that long. So, there are clearly precedents here in terms of . . . and that issue of requiring a licence was obviously overturned. But there are clearly issues here where there is the potential for mischief.

Now, I am not saying that this particular Minister is necessarily going to do any of the stuff. But I think we have to recognise that we are putting in place something—and in spite of the Minister's sense that this is perhaps only a holding pattern, something—that may be there for some time and we may have other Ministers, they may not be quite, I will say, as forward thinking as the current Minister. They may not have quite the same sort of approach to things. So, I think we have to recognise that there is certainly a potential for abuse here in terms of sweeping aside the Human Rights Act when it comes to the Immigration Act.

I think the other thing that troubled me a lot as I was listening to the rationalisations on the other side is that when we hear about putting Bermudians first and certainly protecting Bermudians, who can argue with that, Mr. Deputy Speaker? No one can. In fact, I think a former OBA . . . sorry, a former UBP Government, had "Putting Bermudians First" as one of its campaign slogans. Besides that, I think that what we are hearing here is a very old argument. And that old argument is the ends justify the means. The ends justify the means. So, what we are hearing here is that it is okay to push aside the Human Rights Act when it comes to the Immigration Act because the end (which is protecting Bermudians) justifies the means.

Now, I do not think that anybody on this side is arguing that there does not need to be reform, there does not need to be a way to approach this. But this broad-based, broad and sweeping change; certainly from our perspective is not the way to do it. This issue of the end justifies the means . . . there are many examples from history, Mr. Deputy Speaker, and I do not think I need to go into them. All sorts of purges have been carried out on the basis of the end justifies the means. And, again, I am not suggesting simply that this current Minister is necessarily going to go down that path. But I think it is a slippery slope and one, I think, we need have to be very, very careful about proceeding down.

And so, as I said, I will not be long, but I think there are certainly concerns. The Human Rights Commission had concerns. Others have concerns. And I think those concerns are well deserved. And I think, as my honourable colleagues have said on this side, this is one where haste could well get us into great difficulty. It sends a terrible message in terms of our approach to Human Rights, because if we can do it for this piece of legislation why can we not do it for others.

Mr. Deputy Speaker, I do not think I need to prolong this, but I think this is the wrong way to go. I

think it is something that needs to be reconsidered and a more targeted approach needs to be taken. And I think, as some have suggested, the reasonableness test . . . all of those things need to be done here rather than this sledgehammer, which I think all of us have great . . . not all of us, many of us have a great deal of discomfort in terms of proceeding down this track.

Thank you, Mr. Deputy Speaker.

**The Deputy Speaker:** Thank you, Honourable Member from constituency 22, Mr. Gibbons.

The next speaker—the Chair recognises the constituency 30 . . . 34?

*[Inaudible interjections]*

**Hon. Kim N. Wilson:** Yes. Thank you, Mr. [Deputy] Speaker. I actually will be very brief.

Mr. [Deputy] Speaker, a lot has been said this evening about the facts, in particular the Honourable Member that just took his seat mentioned that this Bill in particular is discriminatory in nature, and much has been said that to pass legislation that benefits Bermudians first is in some way suspect.

However, Mr. [Deputy] Speaker, there are many jurisdictions, in fact one to which my honourable colleague that sits to my immediate right oftentimes refers to as the "Mother Country," England, in particular, as well as other jurisdictions, we have seen that they have been subject to court challenges with respect to proceedings that have been placed in front of the European Court of Justice, and that those challenges in particular deal specifically with the point of discrimination. In fact, the case that I would like to refer you to (which is a United Kingdom case) has said . . . the court held, the European Court of Human Rights, that if discrimination is justified, then it is not discrimination.

Let me refer you, Mr. [Deputy] Speaker, to the case of *Bah v. United Kingdom 2012*. And if you will allow me to just read from the judgment and then I would like to talk about the case in particular and just spend a few moments on that.

So, in this particular case the order for an issue . . . this is actually related specifically to section 14 of the [European Convention on Human Rights](#), which nobody has referred to in its entirety, so with your leave, I would like to just read it real quickly:

"Article 14: Prohibition of discrimination," and, again, this is the European Convention on Human Rights. "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Again, that is Article 14 that deals with the prohibition of discrimination in the European Convention on Human Rights. However, the European Court



of Human Rights in its case law has ruled—and it was a case particularly emanated from the United Kingdom—that if discrimination is justified, it does not mean it is discrimination.

The case, again, is *Bah v. United Kingdom 2012*. And in this particular case, it was the applicant made an application under Article 14 (which I just read) and the Court held that there must be a difference in the treatment of persons in analogous or relatively similar circumstances. Such a difference in treatment is discriminatory if it has no objective and reasonable justification. In other words, if it does not pursue a legitimate aim, or if there is not a reasonable relationship of proportionality between the means employed and the aims sought to be realised, the contracting state (and in this case it was the United Kingdom) enjoys a margin of appreciation in assessing whether and to what extent differences and other use in similar situations justify a difference in treatment.

So, the case is saying that, again, if it is justified discrimination then it does not amount to discrimination. This is the case that I am speaking about. The case is *Bah v. United Kingdom* and in this case it was a mother from Sierra Leone and she was a national and she sought political asylum in the United Kingdom. She was denied asylum; however, she did receive an order to allow her to remain in the United Kingdom indefinitely.

Shortly after she received that status, she brought her son, her minor son, to the United Kingdom to live with her. Obviously, for the same reasons that she left Sierra Leone. She wanted her son to be with her. He was able to come into the United Kingdom; however, he was under immigration control. So, we have one woman who has no immigration control and her son, her minor son, who does. She was living in rented accommodations and her landlord said to her, *If your son comes to live with you, I am going to evict you*—which he did. So, she filed an application with her local council claiming that she was unintentionally homeless, and in the United Kingdom if you have that status of being unintentionally homeless, then you get to go on the top of the list for getting council housing or social housing. All right? They put you in a temporary accommodation first and then they put you in social housing. So, you go on the top of the list.

However, it was revealed, because her son had immigration controls placed on him, she could not be part of this service. She could not get the [social] housing. So, she appealed. And that case went all the way to the European Court of Human Rights. And the European Court of Human Rights held that in these circumstances to deny this woman the service (namely, the housing) was justified because of the immigration controls on her son and, therefore, it does not amount to discrimination.

So, let us take that case and apply it here. In this particular scenario we are talking about legislation

that we are trying to pass here today to cure a defect with respect to a judgment that was made earlier this year, last year, excuse me, that, in my submission based on this particular case, Mr. [Deputy] Speaker, it was not a justified decision that was made and, therefore, you can argue that this is not discrimination here—that this Bill is not discrimination because we are attempting to cure something that happened within the courts and that the fact that the Immigration and Protection Act, as my honourable colleague that just took his seat says, it is also there to protect Bermudians. Not just Bermudians, but in this particular case we are speaking about a service that the court says was offered or denied to this woman, but yet in the United Kingdom when the service was denied they felt that the European Court, the highest court in human rights, said if that service is denied and it was a justifiable reason, it is not discrimination.

And I would submit here that this scenario can be applicable to what we are discussing here today. The Bill itself is not discriminatory because it is justifiable. We are here to protect Bermudians and Bermudians first. That is why we were elected to this position and we will continue to do so, and we will make no apologies. Thank you.

**The Deputy Speaker:** Thank you, Honourable Member from constituency 34, Ms. Wilson.

The Chair recognises the Honourable Member from constituency 7, Richards.

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

You know, immigration is a topic that is . . . everybody knows it is controversial no matter where it is, which country it is. It is just a controversial topic. And I am not going to speak long. I do not disagree with the reasons why the Minister is looking to do what he is looking to do. As a former Junior Minister of Home Affairs, and working closely with the former Minister of Home Affairs, we had to deal with the same circumstances that the current Minister is facing.

I, as a Bermudian, was very perturbed by the judgments that the courts were making and the Minister at the time and I struggled with what we could do to remedy magistrates and judges who were basically making law from the bench. It was a very, very difficult situation, and we struggled with what we could do to remedy the situation. So, I get it. I really do get why this needs to be addressed because the courts are going to continue to rule against what they perceive to be loopholes or, you know, the Government is not acting, making legislation to close up these perceived loopholes. So, I get it.

The one issue that I do have, though, Minister, is the timing. There is a Bermuda Immigration Committee that has been looking—

**The Deputy Speaker:** Mr. Richards, do not leave me out.

**Mr. Sylvan D. Richards, Jr.:** Sorry, sorry, Mr. [Deputy] Speaker. He is my good friend and I am really making an appeal to him.

*[Laughter]*

**Mr. Sylvan D. Richards, Jr.:** But I will look at you, Mr. [Deputy] Speaker. My apologies.

There is an immigration committee that has been sitting, looking at immigration for a few months now. And in 11 days they are going to make their recommendations to the Government. Then there is going to be a joint select committee, bipartisan, put together. That is the right way to do it. I am all on board for that. That is going to look at comprehensive immigration reform because what we have been doing over the years is piecemeal and it clearly is not working. You know? It is not working.

But the appeal that I am going to make to the Minister—I am going to look at him—is 11 days, Minister. Eleven days. Nothing is going to change in 11 days, from a court's perspective, unless there is some judgment coming down that you are aware of that I am not. But it is the perception and the uncertainty that this is being rushed through.

So, my appeal is only, you know, you have got a committee that is going to make a recommendation on October 31<sup>st</sup>—11 days from now. The Human Rights Commission has basically said they have some concerns, they want to have a seat at the table and, to your credit, you have done that. So, my only appeal is if we can just . . . we can rise and report. I am not even saying withdraw the Bill, because I think this has to be done. But I just think there needs to be more input from those organisations that are really concerned about the human rights of this. That is my only appeal. Thank you, Mr. [Deputy] Speaker.

**The Deputy Speaker:** Thank you, Mr. Richards, from constituency 7.

We recognise the Minister Simmons, from constituency 33.

**Hon. Jamahl S. Simmons:** Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, on issues like this, when I rise to my feet I have to think of why I am here and who I am here for. And, Mr. [Deputy] Speaker, the issue of immigration has been contentious as many Members have spoken on. But I cannot accept a Bermuda where a court can say that a person born here with no Bermudian roots, with no Bermudian ties, can live here for 10 years and have the right to compete with my children or your children, Mr. [Deputy] Speaker, or the children of any Member of this House.

Citizenship should have value, Mr. [Deputy] Speaker. And we have heard the reference to using a sledgehammer to crack a nut. And I would say this: If someone was climbing in a window to my house to interfere with my children's future, a sledgehammer would be wholly appropriate. Wholly appropriate.

Now, Mr. [Deputy] Speaker, there is a mindset in this country and we have heard it said before, proudly, there is no such thing as a Bermudian. The only Bermudians are the skinks and the hogs. There has been a systematic and historical attempt to erase the value of something that so many people want so desperately—being a Bermudian. So, what it comes down to today is we have heard there are people who have anxiety. But we have not heard what those anxieties are. We have heard that there are people who feel unsettled. But we have not heard the substance of that. That is the point of discussion.

We have also heard Members in this debate speak glowingly of collaboration of working together when just one Bill before, and in the Throne Speech Reply, collaboration, committees, consultation was mocked and derided. But, Mr. [Deputy] Speaker, it is clear that the courts will continue to legislate from the bench and undermine the value of being Bermudian . . . redefine what being Bermudian is. And I was not sent here to sit idly by while that happens. I am not going to go back to White Hill Field and say I am going to sit and wait while some judge is giving away birthright left, right, and centre. It is not happening. I was not sent here for that.

Mr. [Deputy] Speaker, we have seen, and it was described as complete and unrestricted right to work. That is what this judgment will do; complete and unrestricted right to work. That is something that all of our children in this Chamber have now. This is a direct attack on the birthright of Bermudians and we will not tolerate it. We were not sent here to tolerate it. We were not sent here to entertain it. We were sent to deal with it and this is why we have taken this action and I am very, very proud of my colleague, the Honourable Minister responsible for Immigration, because he does not have an easy job. And I do know that those who know his heart know that the process of looking at Immigration in a comprehensive manner will be one that will be involved, open, transparent, and, more importantly, one that we listen to the people. But there is a clear and present danger now. A clear and present danger now for the future of what being Bermudian means in this country.

Mr. [Deputy] Speaker, we inherited an economy where for successive years the only job growth was among non-Bermudians, while Bermudian jobs fell. That is the environment we encounter. We are in an environment where there are some employers who have moved heaven and earth in an effort to hire anybody but Bermudians. We are in an environment where every group possible, legally, there are some who prefer to hire . . . and they are entitled to work,

but they would prefer to hire spouses of Bermudians. PRCs who have earned their status, things like that. That is the world we live in right now, a world that would be worsened by a judicial decision that will undermine the legal right of a Bermudian to work in their own country to open up complete and unrestricted right to work to non-Bermudians who were born here and lived here for 10 years.

And it concerned me because the Shadow Attorney General did not seem to have a problem with that. That bothers me, Mr. [Deputy] Speaker, because I want to ask the question, If it does not bother you that someone with no ties to this country other than having being born here and lived here for 10 years will have the right to work, if that does not bother you, what does bother you? What will you fight for, for Bermudians? What will you stand up for?

Mr. [Deputy] Speaker, I am not going to be much longer, but the mind-set that the only real Bermudian is a skink or a hog . . . that is the past. That is done. That ended on July 18<sup>th</sup>. That ended. And so we believe that for us to protect our people, to put Bermudians first, this is necessary. This is necessary and we do this without fear. We do this without apology. But understand that as we go forward our immigration system needs to be reformed from top to bottom. We need to address the families that have been divided because of bad piecemeal immigration policy in the past. We have to address the fact that there are still many who feel they can discriminate against Bermudians with impunity. We will address all the aspects of immigration that have plagued us and we will do it in a collaborative manner. But today, a threat exists, and that threat must be addressed.

Thank you, Mr. Speaker.

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

**The Speaker:** Thank you, Minister. I recognise the Honourable Minister of Education.

Honourable Minister, you have the floor.

**Hon. Diallo V. S. Rabain:** Thank you, Mr. Speaker, and thank you to all the colleagues that have spoken on this very important topic that we have here in front of us.

Mr. Speaker, I was not expecting to speak, but listening to some of the comments that I have heard today, you know, it just strikes me very, very odd that we have such opposition to anything that we are putting in place to protect Bermudians, and anything that puts Bermudians first. But, Mr. Speaker, when I look at the legacy of the Members who now sit Opposite, and we look at the last four and half years, and when you look at that it does not come as a surprise why you would have such opposition.

First of all, Mr. Speaker, everything that I have heard from that side is an emotional plea that relies on, *Why are you altering the Human Rights Act? We*

have not heard any tangible ideas to come out of that side on how to address the situation we currently face. But there is an attempt to tug at heart strings. But, Mr. Speaker, it is too little, too late. Under this former Government, Mr. Speaker, as my colleague to my right spoke of, we have seen advances for non-Bermudians grow in leaps and bounds at the expense of Bermudians. We have seen our housing market opened up to non-Bermudians who have traditionally, since we began to take statistics, earned more—earned much more money than Bermudians. But we have seen our housing markets opened up. We have seen families lose their homes right at the time when the recession hit and people were finding themselves underwater. What did we do? We opened up the market to a bunch of non-Bermudians—flush with money, flush with cash. How else can we have statistics that say the average home is going for \$800,000 cash? Who is walking around with that, Mr. Speaker? And, then, we hear some of the things that are coming from that side.

We have a Member on that side that who said either you have not explained properly or there has been no proper consultation. Mr. Speaker, I do not see thousands of people marching around this House. I do not see it. We have immigration laws brought by that side when they were Government and we had thousands of people around here. So, how dare they talk about proper consultation. Just about everything they did vexed this country. Just about everything they did seemed to give the impression that they cared less for their fellow Bermudians and more for non-Bermudians to come here and do whatever it is they wanted. So this Government makes no apologies for doing things that put Bermudians first at all times and every time.

I stand here firmly committed to that ideal. And if we make a mistake we admit that mistake and then we correct it and move on. But we have to make a stand and draw a line in the sand. Bermudians come first—period—across the board. We cannot continue to push the agenda of people who do not have the best interest of this country in mind. We cannot continue to have a situation where people who have come here under a former Government, managed to cheat the system, hang around here for 20 years and then say, *I have been here for 20 years. I have earned . . . I am entitled to have all the rights and privileges of a [Bermudian]*, while stepping on the backs of the very Bermudians that they say they care for.

Enough is enough, Mr. Speaker. This is why this legislation is here today and this is why this legislation needs to be passed. We need to be serious about helping our people. We need to be serious about making everyone know that everything we do is in the best interest for this entire country, and that putting Bermudians first is nothing to be ashamed of, Mr. Speaker. It is nothing for us to hold our heads low

[about]. We hold our heads high and walk out of here and know that we have done everything that we can do to make sure that Bermudians come first always.

Thank you, Mr. Speaker.

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

I recognise the Honourable Deputy Speaker. Mr. Deputy Speaker, you have the floor.

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

*[Laughter and crosstalk]*

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, the Immigration and Protection Act is just what it says—protection for the people of this country.

Mr. Speaker, the Opposition, the Loyal Opposition, has said that we are acting in a panic and we are racing down the street. I can assure you, we are not doing that. But if they think we are racing down the street to protect Bermudians, then I will be a part of that race.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** Mr. Speaker, one has to understand the history because . . . let me first say this. A young writer wrote this here . . . let me read this, if you do not mind, it is just a line.

**The Speaker:** Go ahead.

**Hon. Derrick V. Burgess, Sr.:** He said, “One might argue that the process of emancipation initiated in 1834 continues today.” This is from a very young writer who gave a presentation at the BUI last year (and happens to be a cousin of mine . . . a blood cousin).

Now, Mr. Speaker, what we have in this country, the history, all the Acts that the Government of the past, Immigration Acts, has been against particularly blacks and Portuguese. You know, I think it was the 1842 Immigration Act what they did, because at that time, blacks were the ones that had all the trades (like the joiners, the carpenters, the shipbuilders), and just . . . so what they wanted to do was to put a stranglehold on those craftsmen. So they brought a law in place that blacks had to pay a tax. And just to encourage whites to get into this trade, they gave them a bounty.

Mr. Speaker, again, there was a revolt in the 1800s, I think it was, when the Government of the day taxed the workers—the black workers—of this country, the slaves actually, and to bring in workers from another country. And the reason why they brought in workers was to undercut the wages of what the blacks were demanding. Every time they bring in a foreign . . . even up to today. You heard the Minister say, I think it was last week, or the week before last, he said he

came across an application where they wanted this nanny to do a whole lot of things, probably working 19 hours a day, paying her \$900 a month. Well, you know, not one of my cousins could work for that rate so they have to bring in somebody from overseas.

I think you know what I have said about when we bring in workers in this country. It is quite clear in Leviticus 19:33. When you bring anybody in this country, you treat them right and you pay them. You should not pay me more than them for doing the same work. But in this country, [it is] the policy that we continue to do.

Now, Mr. Speaker, let me say, not all employers are like that, because some people think that the PLP are against the establishment (and mainly when we talk about the establishment we are talking about the whites). And that is not so. We have some good employers. In fact, Mr. Speaker, I remember not so long ago, a couple of years ago . . . and now I will tell you about a recent story. A Bermudian, a fully qualified CPA, worked alongside a guest worker. And they got on very well doing their work. You know, a very competent young black lady, and she found out that they were paying him \$20,000 more per year and giving him a living allowance. Well, when she approached the powers that be about that on the job, well, they started to treat her different. She could not take that, so she left. And just here the other day, I will not call that Member's name, but this Member was asked to interview somebody to take their place on the job. So, she interviewed two people, one was hired, and what they done, they paid this expatriate worker, who is already here, paid him more money than they were getting plus they gave him \$8,000 a month in living allowance. So, the practice continues against blacks and Bermudians, again.

Mr. Speaker, you know, there was a time (I was not born, but you probably were here) when you had three classes of people in this country: blacks, whites, and Portuguese. And up until 1982, the Portuguese could only do one type of work—maintenance, gardening. And I think it was in 1982 they lifted that, and they could do construction. Because prior to 1982, every construction site in this country was blacks. It is different today because I guess they can pay the lighter colour people lower wages than they can pay blacks.

There was a fellow that is retired, and he told me he worked for this guy for years doing all this work and the guy retired himself and gave him the business. And he continued to work for . . . it is a little bit distracting when you have an attractive MP up there and I am trying to talk to you—

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** And . . . so he was working for the same clients and when he presented the bill to these folks, they would not pay him. They

were a little lighter than me—but they would not pay him. They said it was too much money. I mean, the same work, the same people he was working for, but they would not pay him because they were not used to paying blacks what we should be paid.

That is why we have the wage/income disparity that we have today. It continues because they get paid more than us. Thank God it is not in Government and thank God for the unions for that because that would have continued also.

Then to prove my point, Mr. Speaker, earlier this year . . . and real estate agents were talking about the sale of homes. And these homes were over \$900,000. And the agent said we do not need any bank loans. These purchasers do not need a bank loan. They can write a cheque. Now, I know they were none of my cousins. They do not have that type of money. So it tells you that, again, the money that they make . . . and that is why in 2007, I think it was, the Government brought legislation to this House to protect land for Bermudians, because you had people like the Honourable Member beside me marrying foreigners—which is great, because if not, he would have probably married one of his cousins—and we put a hold on whether you could buy a house or not without a licence because we tried . . . we only had 6,000 acres of land—residential acres of land. And so we, you know, we had to conserve some land.

So it was not discriminatory. We were just trying to preserve some things for our folks. They fought us, but the Bill passed. I think it has been changed again now for economic reasons, as they say, Mr. Speaker.

Mr. Speaker, when we go back to 1903, in fact, it was in 1898 that Reverend Monk was brought in here. He pastored at Allen Temple and Mount Zion, and also he did a little tenure down at Bethel [AME] and one at, I think it was, Richard Allen [AME Church].

*[Inaudible interjection]*

**Hon. Derrick V. Burgess, Sr.:** But . . . yes, up the west and helping those folks up there. Right. And, when they brought him in, the powers that be brought in 250 workers from Jamaica—men, women, and children. And even during the last 24 hours of their voyage they were not fed, they were not given water. But, anyhow, before they left they were promised—guaranteed—accommodations, wages, and all of that. Right? So, when they got here, those 250 workers, they tried to herd them into a 17-room unfurnished house. Obviously, they could not fit in there and some had to live in tents. They were not given blankets or sheets. They had to use the grass as their beds. And then, they went out to work. I mean, Mr. Speaker, I get a little sensitive when I am talking to you and you are not looking at me.

*[Laughter]*

**The Speaker:** Deputy, you always have my undivided attention.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** Yes, they went out to work and they were not getting the wages that they were promised.

Reverend Monk, being a good AME, that is what we were born out of . . . injustices. He went and took on the fight. He was also a writer. He had a paper called *The New Era* and he wrote about these things, what they were doing.

Some workers got . . . they revolted. And what they had done, they took abuse from the employer. Some riots broke out in 1902 and they read the riot act to them. Well, eight of them were jailed for eight months and Reverend Monk wrote an editorial because I think one or two of them even died as a result of the unjust actions. And he wrote an editorial about that saying that these employers were responsible for that.

So, they took him to court and they charged him with criminal libel. And, Mr. Speaker, he had to raise some money for his defence because there was only one lawyer in the country at that time, a black lawyer named Eugenius Jackson, his cousin. And he was afraid to take the case because he did not want to go up against the powers that be. So, he hired this guy from Jamaica, Spencer Joseph, an eminent QC and he came here with his Caucasian wife.

The retainer was £300. That was a lot of money, because at that time an acre of land cost £20. But my great-great-uncle Reverend Dr. J. D. Smith and Michael Scott's great-grandmother (I think her name was Sarah) Scott, they went about raising money to help for the defence of Reverend Monk. And, the night before the trial Monk died—42 years old. He died in his wife's arms. It was speculated that he was poisoned. Well, you did not have any forensic labs around to find out what happened. So, Monk *[sic]* had to conduct his own case—

**The Speaker:** The lawyer died, the lawyer died.

**Hon. Derrick V. Burgess, Sr.:** The lawyer died, yes. Thank you, yes, it was one of Mike's elders right there, he has got me straight. He died! And Monk had to conduct his own case. The case lasted 51 days and only one case in the British Commonwealth has lasted longer and that was Richard Hector.

But, Mr. Speaker, his judge was a fellow named Gray. The Chief Justice was his son-in-law, and the prosecutor was his cousin. Monk labelled them the "father, son and the un-holy ghost."

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** And it was an all-white jury. Obviously, Monk was found guilty and he was sentenced to four months in prison and fined £100 and in failure to pay that £100 he had to serve another six months. Well, you know, my cousins raised the money and paid that £100 so he would not do that six months. But, he went to jail as a result of fighting the injustices of the day.

Now, 100 years before then, 1799, Reverend Stephenson came here from the Methodist Church. And he was working with the slaves of the day, the workers of that day, trying to educate them. And the powers of that day fined him and locked him up. He was a white fellow. And then, as the Anglicans will have, Reverend Goldring who was the Pastor around St. Paul's Anglican Church—

*[Inaudible interjection]*

**Hon. Derrick V. Burgess, Sr.:** Minister, please, not right here.

Around St. Paul's Anglican Church—he wrote articles in *The New Era* of Reverend Monk and he was going around helping the Reverend Monk. Well, you know they kicked him out of the Island. Would not even pay him; kicked him out of the Island. And then you had a Pastor around Evening Light, around Parsons Road. Right? And he got involved—

*[Inaudible interjection and laughter]*

**Hon. Derrick V. Burgess, Sr.:** He got involved with fighting the injustices of the day, and they kicked him out of here. And the idea was that *if any one of you stepped out of line, this is what is going to happen to you*. And you see, nobody has done anything really ever since.

Well, you had Reverend Coles from Richard Allen who campaigned to get Vivian Ming, Kerwin Ratteray and [George] De Silva out of prison early. It was successful—that was for the 1965 BELCO Riot. Bishop Bird and Reverend Little got involved in fighting the injustices. Reverend Thornley who was pastor at St. Paul's AME Church and a presiding elder got involved. In fact, he got involved with helping to form the BWA, Reverend Thornley, presiding elder Thornley, which is now the BIU.

So, we have always had advocates out there in the AME Church, because that is what we are fighting—injustices. And Reverend Talbott. Reverend Talbott pastored Richard Allen. He and Reverend Rufus Stovell, a Bermudian, and Adele Tucker formed Bermuda's first union—the Teacher's Union—fighting. Why? To fight the injustice of the day.

The AME Church had a school in St. George's, a high school, and Reverend Talbott was first head teacher. Reverend Stewart was the one that opened the school. He was also a pastor down at Richard Allen.

But because Reverend Talbott got involved with the union movement overseas, the Governor took money from the church. Now, let me say this here, if you look in Dr. Eva Hodgsons' book, she will tell you it was the AME ministers that introduced secondary education to Bermuda. So, they have been in the vanguard. And they kicked Talbott out. So there have been some rough times for these folks, Mr. Speaker. Discrimination—they dare not let anybody else to get up.

Now, you have Reverend Nicholas Genevieve-Tweed, and what they tried to do to him. They banned him out of the pulpit. How do you ban a preacher out of the pulpit when the congregation wanted him? But thank God, you know, guys like Tweed will fight every fathom of injustice until injustice is broken.

That is what we are about. And this Bill helps to protect black Bermudians in particular, because the Portuguese moved up a bit, as you know, because they needed the numbers. Everything was about good numbers, you know. They needed the numbers, so they start giving Portuguese . . . they let them go to these white schools, gave them some mortgages, and some of the Portuguese even changed their names to be more accepted. Some changed their names. Juan De Silva, Zane's cousin, went to Dennis—

**The Speaker:** Well, Dennis is a nice name.

**Hon. Derrick V. Burgess, Sr.:** —former auditor, he was a De Silva, changed his name to Dennis.

**The Speaker:** Dennis is a nice name. Dennis is a nice name though, you know?

**Hon. Derrick V. Burgess, Sr.:** Yeah, yeah, he was.

*[Laughter]*

**Hon. Derrick V. Burgess, Sr.:** And every time . . . Now, in 1968, in the House of Commons in the United Kingdom, during our Constitutional conference on the floor of the House, said there were 762 applications for status in Bermuda. Only four were given to blacks. And that has been the trend in this country. And they brought in numbers. Every time they brought in numbers because the Governor . . . Willcocks (you remember that fellow?) . . . when he came in here in 1920, practically all the constables in the police force were black. I really want to quote him properly because I do not want to do him an injustice. Right? I wrote it down. He said that Reverend, if you do not mind, Mr. Speaker—

**The Speaker:** Go ahead.

**Hon. Derrick V. Burgess, Sr.:** He arrived in Bermuda and he considered the police force unreliable because

blacks comprised most of the constables. He said that the “black police caused him a great deal of concern because the white population was large in proportion to blacks.” He said, “there was a perceived need to safeguard whites from their own police force.”

So, he went about talking with the powers that be to bring in white police officers. And he got that permission. And what he had done, he sent the police chief off to the UK to bring in 20 new officers—white officers. He increased the wages by 50 per cent and gave them housing. That is why you find a lot of those policemen staying in Prospect and those they could not fit up there they gave them a housing allowance.

And he said, he found a way to say, the Governor said, “black domination of the police force would not be tolerated again.” So, Government House has been complicit in keeping this country divided all through the years. And as the Honourable Member Commissioning said this morning, in 1842 when Britain wanted to give us some assistance, [Bermuda] had to meet certain conditions. They wanted to give us money for social and economic advancement and if we did not meet those conditions, we would not get the money. Well, the Bermuda Government of the day did not. *They said no, we are not doing that. We cannot do that. We love these slaves—they work for nothing.*

So, Mr. Speaker, we have to do something to protect Bermudians—whether they are black, white, or Portuguese. But we know that the most disadvantaged crowd was the blacks. And they remain that way today. We have to protect, we have to get . . . we have to close that gap of the wage disparity and we have the living wage crowd out there going to bring something to this Parliament.

Mr. Speaker, this Bill . . . we are not backing down off this here. We are not rising to report progress. We came here to pass the Bill. We were elected . . . and they gave us 24 seats. That tells you something. They do not want us messing around. They want us to do what we have to do—govern this country. And that is what we will do. And those that probably do not like that, they should try to get along with us, you know, because it will make life much easier for them. Right?

The UBP never put black Bermudians first. Never done that. Right? And so we must take care of our people. We must take care of the people of this country, and we know that when whites joined the Progressive Labour Party, other whites had no more use for them. And, thank God, we had a Dr. [Barbara] Ball around, we had a Dorothy Thompson around, we had a David Allen around. Now, we have a Zane De Silva around. Zane. And you know what colour he is.

[Laughter]

**Hon. Derrick V. Burgess, Sr.:** But, you know, thank God we have people like that that are sincere and

they see the injustices and they fight to eradicate the injustices of the day.

And I want to thank my Minister, Walton Brown, for bringing this Bill to Parliament. Because any existing Bill that serves as an injustice to the people of Bermuda, we will deal with it. Now, get . . . get used to it because that is why those people put us in power. They said *cut this foolishness out*. My children are coming back home from university and they cannot get a job. That is not supposed to be. Why do we have to be standing second fiddle? It makes no sense. There are always conditions put on us. *Oh, did you go to Sunday School? Or did you do this before you can get a job?* No, that foolishness has got to be over.

And our children are not going to take it much longer, and we cannot continue to lose our children to bigger countries because they cannot find a job here. We must protect our children. We all want our children and grandchildren around us because somebody has to look after us when we get old. They cannot do it if they are in England or somewhere else, you know.

There’s one other thing I almost forgot—the US Base. When they came here in the 1940s to build a US Base, the Government of the day put a law in place and they told the US officials *If you bring any dark skin Americans here, any black Americans here, you will not be able to land*. So, the US Government was not allowed to bring blacks into this country to build a Base.

Also, the US baselands were paying the Bermudians that worked down there to build the Base the same as they were paying the workers that were from the United States. The Colonial Government put a law in place, *No, no, you cannot pay them all that money. This is what you pay them*. They cut the rate of those people. And these are some of the atrocities . . . that is why we are so far behind today. It started way back. It just did not start in 1980. It started way back—1800s, 1700s. And I do not know if we can catch up. I do not know if we have to wait until Jesus comes or what. But, I hope not. But if it has to be until he comes, then let him come soon.

Thank you, Mr. Speaker.

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

[Desk thumping]

**The Speaker:** Any further speakers? Any further speakers? I recognise Mr. Premier.

Mr. Premier, you have the floor.

**Hon. E. David Burt:** Thank you very much, Mr. Speaker. And, Mr. Speaker, it has been a rather long and, at some points in time, spirited debate. We have heard some of the predictable arguments that we find in this place from the Opposition. And it was led off by the Shadow Attorney General who made it very clear

as to the reason why he opposes this Bill. And he makes it very clear there is a reason why the One Bermuda Alliance oppose this Bill . . . because what this Bill represents to them is the end of their dream of Pathways to Status through the back door. Because that is precisely what it is, Mr. Speaker.

I remember in my time knocking on the doors in the hills of constituency 18 when Pathways to Status was being discussed and hearing the constituents of mine saying, *Well, the OBA is saying it does not matter about Pathways to Status because they are going to get it through the courts anyway.* Well, understand . . . because that is what the attempt was. That is what they were trying to do. So, when we hear the former Attorney General, the Shadow Attorney General, talk about a pathway to citizenship, that is a “pathway to status.”

But what is interesting is that in this debate on the discrimination aspect, what the courts are really saying is that there is no difference (or there should be no difference) in benefits between those people who have Bermudian status and those people who do not. That is what they are saying and that is at the crux of the problem.

So what it is saying is that if the Government says that *you are Bermudian and you are not*, they are saying that those people who the Government does not say are Bermudian should be able to have the rights that Bermudians have. Well, Mr. Speaker, the answer is no. Not here, not now, and not with this Government because we are not going to allow Pathways to Status through the back door. We are committed to comprehensive immigration reform. What we are not going to allow are the lawyers in this country who are seeking every single way to undermine our immigration protections which we have and are looking for a way through it.

And it is very interesting to hear the Opposition Leader, because the Opposition Leader was at that point in time the Minister responsible for Immigration who denied these same permits of which they challenged. So if the former Minister denied those permits, and if we are trying to cure the problem, then I do not see what the issue is. But at the basis of it, Mr. Speaker, this is a question as to whether or not we want Pathways to Status through the back door. The people last year spoke very loudly about what they thought about Pathways to Status. And I think we all remember that. The people spoke very loudly when it came to the election on July 18<sup>th</sup> about what they thought about Pathways to Status and what they thought about putting Bermudians first.

Mr. Speaker, there have been many comments that have been said from the other side about why would we use a sledgehammer to crack a nut. Let me make it very clear, Mr. Speaker, because we do not want to miss on something that important.

Mr. Speaker, the people voted for us to put Bermudians first and tonight with this vote . . . that is precisely what this Government will do.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Thank you, Mr. Premier.

Any further speakers? No further speakers.

Minister, do you want to take the floor and give your wrap up on this and go to Committee?

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

Just a few points in conclusion. I want to thank everyone for participating in this robust, at times emotional, debate. But, clearly, a very important matter that we have to address.

I want to start out by just responding to the call by my honourable friend, Sylvan Richards, for us to suspend this Bill because there was no urgency and because the immigration work group were going to report by October 31<sup>st</sup>. Just to be clear, that group will report on the principles by which certain matters will be addressed going forward—PRC and Bermuda status. It is something apart from what this Bill is doing and will accomplish. So, I listened to my friend carefully, but we are talking about two completely different matters.

So, this is not the time for suspension. It was clearly thought-through. It was not a rushed decision. It was a simple decision, and when you have a simple decision to make, you make it. You do not need to have a long process by which that should be accomplished.

Secondly, Mr. Speaker, the Honourable Opposition Leader raised the spectre of xenophobia creeping into Bermuda because of the nature of some of these discussions. Let me just assure the Honourable Opposition Leader that this Government does not tolerate, does not embrace, does not support xenophobia. We recognise the need for foreign workers in this country. We recognise the benefits they have brought to this country, and everyone who comes here with the permission of this Government is entitled to be treated fairly and without any kind of xenophobic or other discriminatory practices levied against them. It is very clear. We stand firmly by that position.

Thirdly, Mr. Speaker . . . yes, there is a very important principle here, which I just need to reiterate. Parliament will pass laws. Parliament will elect the legislation that we wish to be governed by. We are not going to allow for the courts to determine what the laws of the land should be. It is our solemn elected responsibility and we will carry that out.

The fourth point I will make, Mr. Speaker, and which will come as a surprise to few, there is this reference to what the UK does in terms of providing for human rights and so forth. And I almost find it amus-



ing when we refer to our colonial master in the same sentence as human rights.

*[Laughter]*

**Hon. Walton Brown:** Because anyone who understands history will know that they were the ones who epitomised the exact revocation of people's rights. But in more particular relevance to our situation, Mr. Speaker, the UK to this day do not honour their obligations under the UN Charter as it relates to overseas territories. So, when you want to talk about them honouring rights, it needs to start from there.

The UK changed laws in 1981 to take away the rights that Bermuda nationals had to the UK, as UK citizens. The British Nationality Act created three tiers of citizenship. So we do not need to be lectured or to look to an example in the UK in terms of what human rights are. And, of course, the very premise for the vote in the UK regarding Brexit was to get control over their borders; to get control over the migration. They did not want—

*[Inaudible interjection]*

**Hon. Walton Brown:** Well, I think they were happy with some of the groups coming into the UK, but they were not happy with all. And, so, they have a discriminatory policy now where the Prime Minister can boldly say we want to cut our immigration numbers down from the hundreds of thousands to tens of thousands. So, let us not use the UK as the epitome of what is best practise in the area of human rights.

*[Inaudible interjections]*

**Hon. Walton Brown:** Mr. Speaker, I move that the Bill be now committed.

**The Speaker:** Thank you, Minister. Any objection to that?

Deputy?

**House in Committee at 8:07 pm**

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

## COMMITTEE ON BILL

### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017

**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 \(No. 2\) Act 2017](#). I call on the Minister in charge to proceed.

Minister, you have the floor.

**Hon. Walton Brown:** Thank you, Mr. Chairman.

I move all clauses to this Bill, clauses 1 through 3.

**The Chairman:** Any objections?

There appear to be none.

Carry on, Minister.

**Hon. Walton Brown:** Mr. Chairman, this Bill seeks to amend the Bermuda Immigration and Protection Act 1956 and to make consequential amendments to Schedule 2 to the Human Rights Act 1981.

Clause 1 gives the citation and is self-explanatory.

Clause 2 amends section 8 of the principal Act to provide for the provisions of the Bermuda Immigration and Protection Act 1956 to operate and have effect, notwithstanding the Human Rights Act 1981.

Clause 3 makes consequential amendments to Schedule 2 of the Human Rights Act 1981 to (a) clarify that the provisions listed in Schedule 2 not only have effect, but operate, notwithstanding the Human Rights Act 1981; and (b) delete the entry relating to the Bermuda Immigration and Protection Act 1956 as that entry is now contained within the amendment to section 8 of the principal Act.

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

Any speakers? There appear to be none.

**Hon. Walton Brown:** Thank you, Mr. Chairman. I am glad to see there is no opposition to these clauses.

I move that clauses 1 through 3 be approved.

**The Chairman:** Any objections?

No objections. Carry on, Minister.

**Hon. Walton Brown:** Thank you, Mr. Chairman. I move that the preamble be approved.

**The Chairman:** Any objections? There appear to be none. Carry on.

**Hon. Walton Brown:** Mr. Chairman, I am very happy to move that the Bill be reported to the House as printed.

*[Desk thumping]*

**The Chairman:** Any objections?

The Bill will be reported to the House as printed.

*[Motion carried: The Bermuda Immigration and Protection Amendment (No. 2) Act 2017 was considered by a Committee of the whole House and passed without amendments.]*

House resumed at 8:10 pm

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

## REPORT OF COMMITTEE

### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017

**The Speaker:** Members, any objection to reporting of the Bill to the House as printed?

No objections. That brings us to a close of the Orders for the day.

Mr. Premier?

[Inaudible interjection]

**The Speaker:** Oh, I am sorry, I am sorry, I am sorry. Third readings. Third readings, yes.

That finished so quickly I thought we were all ready to get out the door this time.

The third readings. Junior Minister of Finance, would you like to do the reading on the first Bill that we had done today?

### SUSPENSION OF STANDING ORDER 21

**Hon. Wayne L. Furbert:** Thank you, Mr. Speaker.

I move that Standing Order 21 be suspended to enable me to move that the Bill entitled Appeal Tribunals (Miscellaneous) Act 2017 be now read the third time by its title only.

**The Speaker:** Any objections?

No objections.

[Motion carried: Standing Order 21 suspended.]

## BILL

### THIRD READING

#### APPEAL TRIBUNALS (MISCELLANEOUS) ACT 2017

**Hon. Wayne L. Furbert:** I move that the Bill be now read a third time by its title only and passed.

**The Speaker:** Any objections to that?

The Bill is passed.

[Motion carried: The Appeal Tribunals (Miscellaneous) Act 2017 was read a third time and passed.]

**The Speaker:** I now recognise for the third reading the Minister . . . sorry, the Deputy Premier, the Bill referencing the Electricity Amendment.

Deputy Premier, you have the floor.

### SUSPENSION OF STANDING ORDER 21

**Hon. Walter H. Roban:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Electricity Amendment Act 2017 be now read a third time by its title only.

**The Speaker:** Any objections?

No objections.

Deputy Premier?

[Motion carried: Standing Order 21 suspended.]

## BILL

### THIRD READING

#### ELECTRICITY AMENDMENT ACT 2017

**Hon. Walter H. Roban:** I move that the Bill be now read a third time by its title only and passed.

**The Speaker:** No objections to that?

The Bill is passed.

[Motion carried: The Electricity Amendment Act 2017 was read a third time and passed.]

**The Speaker:** I now recognise the Minister of Finance for the Tax Reform Commission Bill.

### SUSPENSION OF STANDING ORDER 21

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

Mr. Speaker. I move that Standing Order 21 be suspended to enable me to move that the Bill entitled the Tax Reform Commission Act 2017 be now read for 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

#### TAX REFORM COMMISSION ACT 2017

**Hon. E. David Burt:** Thank you, Mr. Speaker. I move that the Bill be now read a third time by its title only and passed.

**The Speaker:** No objections?

The Bill is passed.

*[Motion carried: The Tax Reform Commission Act 2017 was read a third time and passed.]*

**The Speaker:** I now recognise the Minister for Home Affairs.

Minister for Home Affairs, you have the floor.

### SUSPENSION OF STANDING ORDER 21

**Hon. Walton Brown:** Mr. Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled the Bermuda Immigration and Protection Amendment (No. 2) Act 2017 be now read a third time by its title only.

**The Speaker:** Any objections?  
No objections. Continue, Minister.

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

## BILL

### THIRD READING

#### BERMUDA IMMIGRATION AND PROTECTION AMENDMENT (NO. 2) ACT 2017

**Hon. Walton Brown:** Mr. Speaker, I move that the Bill be now read a third time by its title only and passed.

**The Speaker:** No objections?  
The Bill is passed.

*[Motion carried: The Bermuda Immigration and Protection Amendment (No. 2) Act 2017 was read a third time and passed.]*

**The Speaker:** Mr. Premier.

## ADJOURNMENT

**Hon. E. David Burt:** Thank you, Mr. Speaker.  
Mr. Speaker, I move that the House do now adjourn until November 3<sup>rd</sup>.

**The Speaker:** I recognise the Honourable Member from constituency 11 and I believe this is a maiden speech for the new Member.

Member Christopher Famous, you have the floor.

*[Desk thumping]*

### MAIDEN SPEECH

**Mr. Christopher Famous:** Thank you, Mr. Speaker.

Mr. Speaker, I am not a versed and eloquent speaker like some of my colleagues, so I beg your indulgence to let me read from this sheet.

**The Speaker:** Continue on.

**Mr. Christopher Famous:** Mr. Speaker, due to the recent remarks in this House against someone I regard as a brother, I feel compelled to begin my maiden speech in this manner. The [former] First Lady of the United States of America, Mrs. Michelle Obama, once said, and I quote, "Every day I wake up in a house built by slaves."

Well, Mr. Speaker, every day that we are in this House, we are in a house built by slaves. Yes, Mr. Speaker, brick by brick, our enslaved ancestors built this House nearly 200 years ago. Without a doubt, those that forced our enslaved ancestors to build this House never envisioned that one day they and their descendants would never be in control of this House, never be in control of this Government, and never be in control of this Island.

Well, Mr. Speaker, today is the day that we remind some of their descendants that there are no more "boys" to order around.

*[Desk thumping]*

**Mr. Christopher Famous:** There will be no more bowing down to anyone anymore. Simply put, Mr. Speaker, today we are here as the descendants of those great tradesmen, those who worked with their hands that built this House, not as enslaved persons but as free men and women, to remind everyone that there are no slaves in this Honourable House. There are only leaders.

Mr. Speaker, with that being said, having heard the brilliant speech about purpose by my fellow MP, Dennis Lister III, in this Chamber, allow me a few minutes to address some aspects of the term "leadership." I will begin with a quote by His Imperial Majesty, the Emperor of Ethiopia, Haile Selassie, "For truly it is one who realises by faith that he is an instrument in the hands of God and educates himself to be a guide and inspirer with the nobler of sentiments and aspirations of the people."

Mr. Speaker, over the majority of my life, I have had the privilege and the honour to be mentored by the majority of the leaders of the Progressive Labour Party, inclusive of Dame Lois Browne-Evans, the Honourable L. Frederick Wade, Dame Jennifer Smith, Honourable Alex Scott, Honourable Dr. Ewart Brown, the Honourable Eugene Cox, the Honourable Paula Cox, the Honourable Marc Bean, our current Premier the Honourable David Burt, and our late chairman, Mr. Maynard Dill. Each one of them challenged me not just to assist this party, but, more importantly, to assist this country. That is what true leadership does.

True leadership does not seek to hold power to self but to groom the next generation of leaders, just like cousin Derrick does. I would not be in this seat if it were not for the leaders in this country, both then and now, who have deeply influenced my upbringing and continue to shape me even today. The primary mentors and teachers with respect to leadership are to be found in our homes and in our neighbourhoods. So, let me pay respect to my family and to the community that has nurtured me.

Mr. Speaker, as we just talked about immigration, Bermudians have historically come from diverse backgrounds, some from the United Kingdom, and many from the Azores. Today, I will speak briefly on the history of those us from the West Indies.

Mr. Speaker, like yourself and perhaps 60 per cent of all Bermudians, our people came to this Island via various islands in the West Indies. The Bermudian writer, Cyril Packwood, chronicled in his book *Chained on the Rock* that the first persons of colour to arrive came as indentured servants/slaves from the West Indies. Thousands of our people came here as enslaved Africans and indigenous Americans. Some even came here as free people of colour. Post-1834 others left the brutal plantations of the Caribbean to start life here in Bermuda—not to bow down to Bermudian colonial masters, but to determine our own destinies just as we did on July 18<sup>th</sup>, 2017.

Mr. Speaker, my biological relatives have surnames such as, but not limited to, Byron, Brown, Charles, Fraser, Rabain, Matthews, Harris, Lugo, Thomas, Wilson, Webb, and, yes indeed, Famous. However, let us not be fooled by surnames, as DNA tests will show that almost everyone from St. Kitts and Nevis is biologically related—yes, even the Cannoniers.

Mr. Speaker, when we take stock of the many historic leaders in our community, our unions and the political party that we represent, we find a common thread, or a common identifier, “to sink its claw.” Many years ago, that term was used to denigrate us but now we wear it with pride. It was that strength and unity derived from our African/Caribbean roots that brought us out of bondage, through segregation, and into leadership in all areas of Bermudian life.

Mr. Speaker, when we were denied a place of worship, we built churches such as the Evening Light Pentecostal Church on Parsons Road, the Emmanuel Baptist Church on Dundonald Street, and the Church of God on Angle Street. When we had nowhere to play sports, we built workingmen’s and community clubs such as the former Pond Hill Stars and the Pembroke Juniors Club and, subsequently, the Devonshire Recreation Club, the North Village Community Club, the Young Men’s Social Club, all of which remain today.

*[Desk thumping]*

**Mr. Christopher Famous:** You see, workingmen’s clubs have always been part of our history, Mr. Speaker. When . . . I will not cut into your history lessons, cousin Derrick.

*[Laughter]*

**Mr. Christopher Famous:** When we had nowhere to educate our children, we built schools such as Powell’s Nursery on Friswell’s Hill and the Berkeley Institute on Court Street.

When we had no representation for workers of Bermuda, we built the unions, starting with the Bermuda Union of Teachers. Is that correct?

**Hon. Derrick V. Burgess, Sr.:** Yes, sir.

**Mr. Christopher Famous:** When we couldn’t eat in their restaurants, Mr. Wilfred DeGraff cooked us beef pies.

And when we were ready to fight for our civil rights and political rights, we, in partnership with the black Bermudians of the old-line families, built a party called the Progressive Labour Party that fought for social and racial justice.

*[Desk thumping]*

**Mr. Christopher Famous:** Mr. Speaker, simply put, we did not cry or go around begging colonial masters for their scraps or trickle-down economics. We did what we do best—we led. Just as we did on July 18<sup>th</sup>, 2017.

Mr. Speaker, I would be remiss if I did not speak of the communities formed by these leaders of the Caribbean family. Communities such as, but not limited to, Angle Street, Princess Street, Middletown, Court Street, Curving Avenue, Smiths Hill, Parsons Road, Marsh Folly, St. Monica’s Road, Government Gate, Glebe Road, Roberts Avenue, and, may I proudly say, Pond Hill. Collectively, these areas form what is now affectionately called “Back o’ Town.”

Mr. Speaker, there was a time when many in this country mistakenly—I say mistakenly—looked down on us from “Back o’ Town.” They said we were no good, nothing to be proud of. We were considered nothing more than a bunch of “Gombeys”—not in a good sense.

Mr. Speaker, they also labelled us as “pond dogs.” But let me tell you something about pond dogs. In order to survive in Back o’ Town, you had to be able to think on your feet—think two steps ahead of the next person. In other words, you had to be a leader. Leaders such as, but not limited to: Mr. Austin Thomas; his brother, Dr. George Thomas; Mr. Robert Wilson; Mr. Wycliffe Stovell; Brother Ottiwell Simmons; Mr. Freddie Thomas; Ms. Aurelia Burch; my aunt, Dame Lois Browne-Evans; and yes, even John Swan—he is a pond dog.

Mr. Speaker, these are but some of the people who have instilled the qualities of leadership, not through lip service, but through the sweat of their brows and through the impeccable examples they set.

To the people of Back o' Town, let no one ever tell you that we cannot make it. I stand here in this House as one of your own. I stand here today as a proud product of Back o' Town. Indeed, I am a proud pond dog like many people in this House.

Mr. Speaker, it would be remiss of me not to acknowledge the other communities that also formed part of our extended West Indian community, such as Devonshire, Hamilton Parish, Warwick—or as people up God's country say, Sandys—

**The Speaker:** Yes, yes, yes—

**Mr. Christopher Famous:** Also, the Bible Belt—

*[Inaudible interjections and laughter]*

**Mr. Christopher Famous:** These communities went on to become the heartland of our early PLP during its 1960s formation and remain our social, and, shall I remind them, political strongholds.

The West Indian community has now, over time, become one with the older black families. They are all one in this Island home. We share the same families, the same grand- and great-grandchildren and, of course, the same culture. We are united just as we were united on July 18<sup>th</sup>, 2017.

Mr. Speaker, as we are a labour party, please allow me to address the workers of Bermuda. For clarity, I am talking about those who wear blue collars, white collars, and all other collars. To my fellow workers of Bermuda, let us realise that we are more than persons simply working nine to five, or some other form of shift work. We, the workers of Bermuda, are the ones keeping this Island running 24/7/365. Be it the medical workers keeping their patients comfortable, the chefs who feed us, the IB workers who keep our economy floating, the accountants who assure we are paid, or yes, the technicians at BELCO who ensure that we are powered up. The workers of Bermuda can no longer complain that we do not have a Government that does not have their best interests at heart.

However, we, the workers, have to do our part. Therefore, I appeal to my fellow workers to constantly work at keeping the bar high. Take the academic and technical courses that are needed to move, not just our careers forward, but to move our respective companies forward and, indeed, to move our Island home forward. Essentially, we encourage you to not just be workers; we encourage you to be the next generation of business owners. Essentially, we encourage you to be leaders.

Mr. Speaker, before I conclude, allow me to address the Honourable Members of this House.

Honourable Members, on July 18<sup>th</sup>, 2017, 20,000 Bermudians voted for change. If anybody forgets, that is a record number. The change that they want and deserve is not simply a change in political leadership. No, Mr. Speaker, they want and they deserve the type of change that will address their dearest hopes and aspirations for themselves and their families.

We, the Honourable Members of this House, must demonstrate the real leadership that they expect of us. Honourable Members, we did not vote ourselves into these 36 seats. Whether you are representing the PLP or not Bermudian voters want us to address their concerns with dignity and a sense of maturity. Bermudian voters did not vote for us to come up here and repeat our opinions for 20 minutes at a time. No, they voted for us to do the necessary research, present facts, alternative opinions, and add to the challenges of the day when required.

They did not vote for us to come up here and discuss what he said and she said 5, 10, 20 years ago. They voted for us to discuss what they said last week when we canvassed them. They did not vote for us to show our faces only when the next election is called. Indeed, they voted for us to check on them daily, weekly, and monthly. They did not vote for us to make the rich richer. They voted for us to empower those who need to be uplifted. They did not vote for us to come in this House and bicker like children. To the contrary, simply put, they voted for us to lead.

Honourable Members, if we fail to do so, we may find ourselves surrounded in this building by an army of 5,000-plus Bermudians, just as some people found themselves surrounded in March 2016.

Mr. Speaker, the Holy Scriptures say that there is a time for war and there is a time for peace. Let those who have any doubts remember that with the will of the Almighty and the people of this country, the Progressive Labour Party has proven once again that we were able to not only fight a political war, but to win that war hands down.

Mr. Speaker, the PLP is not in this Honourable House to bicker or war. The PLP is here in this Honourable House to lead in the best interest of all Bermudians. And I say all Bermudians, Mr. Speaker, because even in my constituency, half are black and half are white, and I have to lead as an MP for all my constituents (even though 45 per cent did not vote for me). I still have to go out and cut their grass at times.

*[Laughter]*

**Mr. Christopher Famous:** Because that is what they deserve, Mr. Speaker.

*[Laughter]*

**Mr. Christopher Famous:** With that, Mr. Speaker, I have said my piece.

Thank you.

*[Desk thumping and cheering]*

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

Any other Members wish to speak? No other Member speaking?

[The] House is closed.

*[Gavel]*

*[At 8:29 pm, the House stood adjourned until 10:00 am, Friday, 3 November 2017.]*

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**BERMUDA HOUSE OF ASSEMBLY  
2017/18 SESSION**

**OFFICIAL HANSARD REPORT  
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**September and October 2017**

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